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No. 8] NEW DELHI, FEBRUARY 15—FEBRUARY 21, 2004, SATURDAY/MAGHA 26—PHALGUNA 2, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग-II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 9 फरवरी, 2004

का. आ. 370.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 201 पीसीआर 2003 दिनांक 30-09-2003 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री एम.एन. चिन्नय्या, वायरमैन (इलेक्ट्रिकल), सहायक अभियंता का कार्यालय, टेलीकॉम इलेक्ट्रिकल सब-डिविजन-2, भारत संचार निगम लि., बंगलौर एवं लोक सेवकों अथवा व्यक्तियों के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी संपठित धारा 419 और 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) संपठित धारा 13(1)(डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्चरणों और पडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/89/2003-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 9th February, 2004

S. O. 370.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 201 PCR 2003 dated 30-9-2003, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences against Shri M. N. Chinnaiah, Wireman (Electrical) Office of the Assistant Engineer, Telecom Electrical Sub-Division-II.

Bharat Sanchar Nigam Limited, Bangalore and other public servants or persons under section 120-B read with 419 and 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/89/2003-DSPE]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 4 फरवरी, 2004

का. आ. 371.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1), खंड 5, खंड 6, खंड 7 और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री ए. के. खंडेलवाल, जो इस समय बैंक ऑफ बड़ौदा में कार्यपालक निदेशक हैं, को उनके कार्यभार ग्रहण करने की तारीख से 31-3-2008 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक या अगला आदेश होने तक, इनमें से जो भी पहले हो, देना बैंक के अध्यक्ष व प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/10/2003-बी.ओ.-1]

रमेश चन्द, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 4th February, 2004

S. O. 371.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri A.K. Khandelwal, Executive Director, Bank of Baroda as Chairman and Managing Director, Dena Bank for the period from the date of his taking charge and upto 31-03-2008 i.e. the date of his attaining the age of superannuation or until further orders, whichever event occurs earlier.

[F. No. 9/10/2003-B.O.-I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 5 फरवरी, 2004

का. आ. 372.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उपखंड (1), के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3)(ज) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री एम.एल. मेहता, 5 केशव विहार, गोपालपुरा मार्ग, जयपुर-302018 को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए ओरियंटल बैंक ऑफ कामर्स में अंशकालिक गैर-सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/17/2000-बी.ओ.-1]

रमेश चन्द, अवर सचिव

New Delhi, the 5th February, 2004

S. O. 372.—In exercise of the powers conferred by Sub-section (3)(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri M. L. Mehta, 5 Keshav Vihar, Gopalpura Road, Jaipur-302018 as part-time non-official Director of Oriental Bank of Commerce for a period of three years from the date of notification.

[F. No. 9/17/2000-B.O.-I]

RAMESH CHAND, Under Secy.

राजस्व विभाग
केन्द्रीय प्रत्यक्ष कर बोर्ड
 नई दिल्ली, 6 फरवरी, 2004
 (आयकर)

का. आ. 373.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता-700071; (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स अरविन्द मेडिकल रिसर्च फाउंडेशन, 1, अन्ना नगर, मदुरै-625020	1-4-2002 से 31-3-2005

टिप्पणी :—(i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

- (ii) अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 42/2004/फा.सं. 203/27/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

DEPARTMENT OF REVENUE
CENTRAL BOARD OF DIRECT TAXES
 New Delhi, the 6th February, 2004
(INCOME TAX)

S. O. 373.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income tax Act, 1961 read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified organization shall maintain separate books of accounts for its research activities;
- (ii) the notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi—110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S.No.	Name of the organisation approved	Period for which notification is effective
1.	M/s Aravind Medical Research Foundation, 1. Anna Nagar, Madurai-625020	1-4-2002 to 31-3-2005

Notes : (i) Condition (i) above will not apply to the organization categorized as "Association".
(ii) the notified Association is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 42/2004/F.No. 203/27/2003-ITA.-II]

SANGEETA GUPTA, Director (ITA.II)

नई दिल्ली, 6 फरवरी, 2004

(आयकर)

का. आ. 374.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले, (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स एकादमी आफ संस्कृत रिसर्च मेलकोट-571431 मंड्या जिला, कर्नाटक	1-4-2001 से 31-3-2004

टिप्पणी :—(i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

- अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 43/2004/फा.सं. 203/69/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 6th February, 2004

(INCOME TAX)

S. O. 374.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (iii) of Sub-section (1) of section 35 of the Income tax Act, 1961 read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- The organization shall maintain separate books of accounts for its research activities;
- The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S.No.	Name of the organisation approved	Period for which notification is effective
1.	M/s Academy of Sanskrit Research Melkote-571431, Mandya District, Karnataka	1-4-2001 to 31-3-2004

- Notes: (i) Condition (i) above will not apply to the organization categorized as "Association".
(ii) The notified Institution is advised to apply in triplicates as well in advance for further renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval should also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 43/2004/F.No. 203/69/2002-ITA.-II]

SANGEETA GUPTA, Director (ITA.-II)

नई दिल्ली, 6 फरवरी, 2004

(आयकर)

क्र. आ. 375.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- अधिसूचित संघ केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स शोरे इंडिया, घानापुर विलेज, मेडचल मंडल आर. आर. जिला-501401 आन्ध्र प्रदेश	1-4-2002 से 31-3-2005

टिप्पणी :—(i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

- (ii) अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 44/2004/फ.सं. 203/112/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 6th February, 2004

(INCOME TAX)

S. O. 375.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section(1) of Section 35 of the

Income tax act, 1961 read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The organization shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S.No.	Name of the organisation approved	Period for which notification is effective
1.	M/s Share India, Ghanapur Village, Medchal Mandal, R.R. Distt. 501401 A.P.	1-4-2002 to 31-3-2005

- Notes: (i) Condition (i) above will not apply to the organization categorized as "Association".
- (ii) The notified Association is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 44/2004/F.No. 203/112/2003-ITA.-II]

SANGEETA GUPTA, Director (ITA.-II)

नई दिल्ली, 6 फरवरी, 2004

(आयकर)

का. आ. 376.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (II) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवां तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स भारतीय संस्कृति दर्शन ट्रस्ट, विश्व शान्ति धाम, बाघोली, टेल-हवेली, जिला-पुणे-412207	13-8-2002 से 31-3-2004

टिप्पणी :—अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 45/2004/फा.सं. 203/115/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 6th February, 2004

(INCOME TAX)

S. O. 376.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961 read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure account in respect of its research activities for which exemption was granted under Sub-Section (1) of section 35 of Income tax act, 1961 in addition to the return of Income tax to the designated assessing officer.

S.No.	Name of the organisation approved	Period for which notification is effective
1.	M/s. Bhartiya Sanskriti Darshan Trust, Vishwa Shanti Dham, Wagholi, Tal-Haveli, Dist.-Pune-412207	13-8-2002 to 31-3-2004

Note:— The notified Institution is advised to apply in triplicates as well in advance for further renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval should also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 45/2004/F.No. 203/115/2003-ITA.II]

SANGEETA GUPTA, Director (ITA.II)

नई दिल्ली, 6 फरवरी, 2004

(आयकर)

का. आ. 377.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवां तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स मुल्जी भाई पटेल सोसायटी फॉर रिसर्च इन नेफ्रो-यूरोलोजी, डा. विरेन्द्र देसाई रोड, नाडियाड-387001 (गुजरात)	1-4-2003 से 31-3-2006

टिप्पणी :—(i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

- (ii) अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 46/2004/फा.सं. 203/118/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 6th February, 2004

(INCOME TAX)

S. O. 377.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961 read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The organization shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S.No.	Name of the organisation approved	Period for which notification is effective
1.	M/s. Muljibhai Patel Society for Research in Nephro-Urology, Dr. Virendra Desai road, Nadiad-387001 (Gujarat)	1-4-2003 to 31-3-2006

Notes :— (i) Condition (i) said not apply to the organization categorized as "Association".
(ii) the notified Institution is advised to apply in triplicates as well in advance for further renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval should also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 46/2004/F.No. 203/118/2003-ITA.II]

SANGEETA GUPTA, Director (ITA.II)

आदेश

नई दिल्ली, 10 फरवरी, 2004

का. आ. 378.—चूंकि संयुक्त सचिव, भारत सरकार को स्वापक औषधों तथा मनः प्रभावी पदार्थ अधिनियम, 1988 के गैर कानूनी अवैध व्यापार की रोकथाम के लिए खंड 3 के उपखंड (1) के अधीन विशेष रूप से शक्ति प्राप्त है, अतः उक्त उप खंड के अंतर्गत फा. सं. 801/16/2003/पिट एन डी पी एस दिनांक 30-10-2003 के अधीन आदेश जारी के संदर्भ में निदेश है कि श्री राम नारायण पुत्र श्री भीरू लाल थाकड़ को स्वापक औषधों की पूर्ति में शामिल होने के फलस्वरूप नजरबंद तथा केन्द्रीय कारागार, इन्दौर (म.प्र.) में हिरासत में रखा जाए।

2. चूंकि केन्द्रीय सरकार यह समझती है कि उपर्युक्त व्यक्ति फरार होने वाला है या अपने आपको छिपाता है जिसके कारण आदेश का पालन नहीं होना है।

3. अतः अब उक्त अधिनियम के खंड 8 के उप खंड (1) उपवाक्य (ख) द्वारा निश्चित की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार यह निदेश देती है कि उक्त व्यक्ति को सरकारी गजट में इस आदेश के प्रकाशन के 10 दिनों के भीतर

श्री एल.पी. ओझा,
निरीक्षक/जांच अधिकारी,
अधीक्षक (निवारण) का कार्यालय,
केन्द्रीय स्वापक ब्यूरो, निवारण तथा आसूचना प्रकोष्ठ,
महालवाड़ा, रतलाम (म. प्र.)

के सामने प्रस्तुत करें।

[फा. सं. 801/16/2003/पिट एन डी पी एस]

बी. आर. शर्मा अवर सचिव

ORDER

New Delhi, the 10th February, 2004

S. O. 378.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 issued order F. No. 801/16/2003-PITNDPS dated 30-10-2003 under the said Sub-section directing that Shri Ram Narayan S/o Shri Bheerulal Dhakad R/o Village Riyawan, Tehsil, Jaroa, Distt. Ratlam (M.P.) be detained and kept in custody in the Central Jail, Indore with a view to preventing him from engaging in supply of Narcotic Drugs:

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of powers conferred by clause (b) of Sub-section (1) of Section 8 of the said Act, the Central Government hereby directs the aforesaid person to appear before Shri L.P. Ojha, Inspector/Investigating Officer, Office of the Superintendent (Preventive), Central Bureau of Narcotics, Preventive & Intelligence Cell, Mahalwada, Ratlam (M.P.) within 10 days of the publication of this order in the official Gazette.

[F. No. 801/16/2003 PIT NDPS]

B. R. SHARMA, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का. आ. 379.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21 क के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, निम्नलिखित व्यक्तियों को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के पूर्वोक्त स्थानीय बोर्ड में सदस्य के रूप में नामित करती है :—

क्रम सं.	नाम	पता	व्यवसाय
1.	सुश्री जोधनपरी हराशेल	प्रथम तल, 229, जोर बाग, नई दिल्ली	शोधकर्ता व परामर्शदाता, जनजातीय विकास
2.	श्री संजय कुमार दास	संजय कुमार दास एंड कं., चार्टर्ड एकाउंटेंट्स, जसवन्त रोड, पानबाजार, गुवाहाटी-781001	सनदी लेखाकार

[फा. सं. 8/2/2003-बी.ओ.1(7)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S. O. 379.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominate the following persons to be a member of the North Eastern Local Board of the State Bank of India for a period of three years from the date of notification :—

Sr. No.	Name	Address	Occupation
1.	Ms. Zothanpari Hrahseil	1st Floor, 229, Jor Bagh, New Delhi	Research Scholar and Consultant in Tribal Development
2.	Shri Sanjoy Kumar Das	Sanjoy K. Das & Company, Chartered Accountants, Jashwanta Road, Panbazar, Guwahati-781001	Chartered Accountant

[F. No. 8/2/2003-B.O.1(7)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.आ. 380.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित धारा 21 की उपधारा (1) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, श्री जितेन परमानन्ददास मोदी, उद्यमी, 111-ए, पैराडाइस अपार्टमेंट्स, नेपियन सी रोड, मुम्बई-400006 को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के मुम्बई स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[सं. एफ-8/2/2003-बीओ-1(6)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 380.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominate Shri Jiten Parmananddas Mody, Industrialist, 111-A, Paradise Apartments, Nepeansea Road, Mumbai-400006 to be a member of the Mumbai Local Board of the State Bank of India for a period of three years from the date of notification.

[F. No. 8/2/2003-B.O. 1(6)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.आ. 381.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित धारा 21 की उपधारा (1) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, निम्नलिखित व्यक्तियों को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के लखनऊ स्थानीय बोर्ड में सदस्य के रूप में नामित करती है :—

क्रम सं.	नाम	पता	व्यवसाय
1.	डा. प्रभाकर झा	डीजी/जी-2, तुलसीदास कालोनी, बीएचयू, वाराणसी-221005	प्रोफेसर
2.	डा. अरविन्द कुमार	जी.बी. पंत कृषि एवं प्रौद्योगिकी विश्वविद्यालय, पंतनगर-263195 (उत्तर प्रदेश)	प्रोफेसर, कृषि शास्त्र
3.	सुश्री फरीदा अब्राहम	प्रधानाचार्य, ला माटीनियर गर्ल्स कालेज, मोती महल मार्ग, लखनऊ-226001	प्रधानाचार्य, ला माटीनियर गर्ल्स कालेज, लखनऊ

[सं. एफ 8/2/2003-बीओ-1(5)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 381.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominate the following persons to be a member of the Lucknow Local Board of the State Bank of India for a period of three years from the date of notification :

Sl. No.	Name	Address	Occupation
1.	Dr. Prabhakara Jha	DG/G-2, Tulsidas Colony, B.H.U., Varanasi-221005.	Professor
2.	Dr. Arvind Kumar	G.B. Pant University of Agriculture and Technology, Pantnagar-263195 (UP)	Professor Agronomy
3.	Ms. Farida Abraham	Principal, L.M. Girls College, Moti Mahal Marg, Lucknow-226001	Principal, L.M. Girls College, Lucknow.

[F. No. 8/2/2003-B.O. 1(5)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.आ. 382.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21 के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, उपसुमेरलक्ष गोबर्धन सेवानिवृत्त प्रोफेसर, लोक प्रशासन, मकान नं. 185, सेक्टर 16, चण्डीगढ़-160015 को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के चण्डीगढ़ स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[सं. एफ 8/2/2003-बीओ-1(4)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 382.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with Reserve Bank of India, hereby nominates Dr. Sumar Lal Goel, Retired Professor of Public Administration, H. No. 185, Sector-16, Chandigarh-160015 to be a member of the Chandigarh Local Board of the State Bank of India for a period of three years from the date of notification,

[F.No. 8/2/2003-B.O. 1(4)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.आ. 383.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21 के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, श्री शक्ति रंजन दास, अधिवक्ता और कर सलाहकार, नुआपारा डाकखाना भवानीपटना, जनपद बालासोरी-766001 (उड़ीसा) को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के भुवनेश्वर स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[सं. एफ 8/2/2003-बीओ-1(3)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 383.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri Shakti Ranjan Das, Advocate and Tax Consultant, At Nuapara P.O. Bhawanipatna Dist. Balasore-766001 (Orissa) to be a member of the Bhubaneswar Local Board of the State Bank of India for a period of three years from the date of notification.

[F.No. 8/2/2003-B.O. 1(3)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.आ. 384.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21 के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, निम्नलिखित व्यक्तियों को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के भोपाल स्थानीय बोर्ड में सदस्य के रूप में नामित करती है :—

क्रम सं.	नाम	पता	व्यवसाय
1.	श्री शलभ शर्मा	प्लॉट नं. 7, नुपर कुंज, ई-3, अरेरा कालोनी, भोपाल-16	लघु स्तरीय उद्यमी
2.	श्री राजकुमार अग्रवाल	आर. कुमार अग्रवाल एंड कं., फूल चौक, गोडबोले भवन, प्रथम तल, अंजलि होटल के निकट, रायपुर (छत्तीसगढ़)-492001	सूचना लेखाकार

[सं. एफ 8/2/2003-बीओ-1(2)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 384.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominate the following persons to be a member of the Bhopal Local Board of the State Bank of India for a period of three years from the date of notification :—

Sr. No.	Name	Address	Occupation
1.	Shri Shalabh Sharma	Plot No. 7, Nupur Kunj, E-3, Arera Colony, Bhopal-16	Owner of Small Scale Industry
2.	Shri Raj Kumar Agarwal	R. Kumar Agarwal & Co., Phool Chowk, Godbole Building, 1st Floor, Near Anjali Hotel, Raipur (C.G.)-492001.	Chartered Accountant

[F. No. 8/2/2003-B.O. I(2)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.आ. 385.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, निम्नलिखित व्यक्तियों को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के अहमदाबाद स्थानीय बोर्ड में सदस्य के रूप में नामित करती है :—

क्रम सं.	नाम	पता	व्यवसाय
1.	श्री संजय दलसुखभाई शाह	"इशवास्यम", स्टैंडर्ड चार्टर्ड बैंक की गली में, उमाशंकर जोशी रोड, अहमदाबाद-380006	सनदी लेखाकार
2.	श्री एस. पदमनाभन	पदमनाशील बंगला, 30, विश्रामबाग सोसायटी, सेनापति बापत रोड, पुणे-411016	प्रबंधन परामर्शदाता

[सं. एफ 8/2/2003-बीओ-I(1)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 385.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominate the following persons to be a member of the Ahmedabad Local Board of the State Bank of India for a period of three years from the date of notification :—

Sr. No.	Name	Address	Occupation
1.	Shri Sanjay Dalsukhbhai Shah	"Ishavasyam", in the lane of Standard Chartered Bank, Umashankar Joshi Road, Ahmedabad-380 006.	Chartered Accountant
2.	Shri S. Padmanabhan	Padmanasheel Bungalow, 30, Vishrambagh Society, Senapati Bapat Road, Pune-411016.	Management Consultant

[F. No. 8/2/2003-B.O. I(1)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.आ. 386.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, श्री बदरुज्जमान खान, अधिवक्ता, आजाद रोड, हजारीबाग डाकखाना, पुलिस स्टेशन व जनपद हजारीबाग-825301 को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के पटना स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[सं. एफ 8/2/2003-बीओ-I(8)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 386.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri Badruzzaman Khan, Advocate, Azad Road, Hazaribag P.O. P.S. and Dist. Hazaribag-825301 to be a member of the Patna Local Board of the State Bank of India for a period of three years from the date of notification.

[F. No. 8/2/2003-B.O.-I(8)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 10 फरवरी, 2004

का.अ. 387.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, निम्नलिखित व्यक्तियों को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के तिरुवनंतपुरम स्थानीय बोर्ड में सदस्य के रूप में नामित करती है :—

क्रम सं.	नाम	पता	व्यवसाय
1.	श्री राजीव वासुदेवन	5-ए, स्काईलाइन सिफनी अपार्टमेंट्स, वाजुथाकौड, त्रिवेन्द्रम-695014	मुख्य कार्यपालक अधिकारी, टेक्नोपार्क, त्रिवेन्द्रम
2.	श्री के. पी. एस. मेनन	“जकिथ”, कौडियार रोड, तिरुवनंतपुरम-695003	भारत के भूतपूर्व राजदूत और सेवानिवृत्त विदेश सचिव, भारत सरकार

[सं. एक 8/2/2003-बीओ-1(9)]

रमेश चन्द, अवर सचिव

New Delhi, the 10th February, 2004

S.O. 387.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates the following persons to be a member of the Thiruvananthapuram Local Board of the State Bank of India for a period of three years from the date of notification :—

Sr. No.	Name	Address	Occupation
1.	Shri Rajiv Vasudevan	5-A, Skyline Symphony Apartments, Vazuthacaud, Trivandrum-695014.	CEO, Technopark, Trivandrum.
2.	Shri K.P.S. Menon	“Jacinth” Kaudiyar Road, Thiruvananthapuram-695003.	Former Ambassador of India and retired Foreign Secretary to Government of India.

[F. No. 8/2/2003-B.O.-I(9)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 11 फरवरी, 2004

का.अ. 388.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री एस. सी. अग्रवाल, प्रभारी अधिकारी भारतीय रिजर्व बैंक, लखनऊ को तत्काल प्रभाव से एवं अगले आदेश होने तक कुमारी उमा सुब्रमणियम, क्षेत्रीय निदेशक, भारतीय रिजर्व बैंक भोपाल के स्थान पर पंजाब एंड सिंध बैंक के निदेशक के रूप में नामित करती है।

[सं. एक 9/2/2004-बीओ-1]

रमेश चन्द, अवर सचिव

New Delhi, the 11th February, 2004

S.O. 388.—In exercise of the powers conferred by clause (c) of Sub-section (3) of Section 9, of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri S. C. Agarwal, O-in-Charge, Reserve Bank of India, Lucknow as a Director of Punjab and Sind Bank with immediate effect and until further orders vice Kum. Uma Subramaniam, Regional Director, Reserve Bank of India, Bhopal.

[F. No. 9/2/2004-B.O.-I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 12 फरवरी, 2004

का.आ. 389.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, श्री कुलदीप कुमार ड्राबू, संपदी लेखाकार, सी-1/23, कुतुब एंक्लेव, डीएलएफ सिटी-1, गुडगांव-122002 (हरियाणा) को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए भारतीय स्टेट बैंक के नई दिल्ली स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[सं. एफ 8/2/2003-बीओ-1]

रमेश चन्द, अवर सचिव

New Delhi, the 12th February, 2004

S.O. 389.—In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri Kuldeep Kumar Drabu, Chartered Accountant, C-1/23, Qutab Enclave, DLF City-1, Gurgaon-122002 (Haryana) to be a member of the New Delhi Local Board of the State Bank of India for a period of three years from the date of notification.

[F.No. 8/2/2003-B.O. I]

RAMESH CHAND, Under Secy.

(राजस्व विभाग)

सेन्ट्रल इकॉनामिक इन्टेलीजेन्स ब्यूरो

आदेश

नई दिल्ली, 12 फरवरी, 2004

का.आ. 390.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और प्रत्यक्ष निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश प्रारम्भ सं. 673/25/2003-सी.यू.एस. VIII, दिनांक 30-9-2003 को जारी किया और यह निर्देश दिया कि श्री एम. कार्थिकेयन, निवास: फ्लैट सं. 09, द्वितीय तल, सरयु अपार्टमेंट्स, सं. 15/7, गणपथी गली, रोयापेटा, चेन्नई-600014 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, चेन्नई में अभिषेक में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोक जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रहा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार तत्काल पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, चेन्नई के सम्मुख उपस्थित हो।

[फ.सं. 673/25/2003-सी.यू.एस. VIII]

एन. राजगोपालन, अवर सचिव (कोफेपोसा)

(Department of Revenue)

CENTRAL ECONOMIC INTELLIGENCE BUREAU

ORDER

New Delhi, the 12th February, 2004

S.O. 390.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/25/2003-Cus. VIII dated 30-9-2003 under the said sub-section directing that Shri M. Karthikeyan, R/o Flat No. 9, II Floor, Sarayu Apartments, No. 15/7, Ganapathy Street, Royapetta, Chennai-600014 be detained and kept in custody in the Central Prison, Chennai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Chennai within 7 days of the publication of this order in the Official Gazette.

[F.No. 673/25/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश
नई दिल्ली, 12 फरवरी, 2004

का.आ. 391.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/06/2003-सी.यू.एस. VIII, दिनांक 15-10-2003 को जारी किया और यह निर्देश दिया कि श्री भूपेन्द्र हरगोविन्द ठक्कर, निवास: कमरा सं. 08, भूतल, सं. 09, अम्बाधम को-ऑपरेटिव हाउसिंग सोसाइटी, सं. 35, पुरानी फूल गली, भुलेश्वर रोड, मुम्बई-400002 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोक जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रहा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस अधिकारी, मुम्बई के सम्मुख उपस्थित हो।

[फ. सं. 673/06/2003-सी.यू.एस. VIII]

एन. राजागोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 12th February, 2004

S.O. 391.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/06/2003-Cus. VIII dated 15-10-2003 under the said sub-section directing that Shri Bhupendra Haragovind Thakkar, R/o Room No. 8, Ground Floor, No. 9, Ambadham Co-operative Housing Society, No. 35, Old Phool Galli, Bhulshwar Road, Mumbai-400002 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F.No. 673/06/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

विदेश मंत्रालय

(सी.सी.वी. प्रभाग)

नई दिल्ली, 6 फरवरी, 2004

का.आ. 392.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41) की धारा 2 का ध्येय (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतवास, बगदाद में श्री अनुराग, सहायक के स्थान पर श्री एन. के. करीर, निजी सहायक को 6-2-2004 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी. 4330/01/2004]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 6th February, 2004

S.O. 392.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri N.K. Karir, PA in the Embassy of India, Baghdad to perform the duties of Assistant Consular Officer vice Shri Anurag with effect from 6-2-2004.

[No. T-4330/01/2004]

U.S. RAWAT, Under Secy. (Cons.)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 28 जनवरी, 2004

का.आ. 393.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और केन्द्रीय फिल्म प्रमाणन बोर्ड के सदस्यों को नियुक्ति से संबंधित पूर्व अधिसूचनाओं के अधिक्रमण में केन्द्रीय सरकार निम्नलिखित व्यक्तियों को अगले आदेशों तक तत्काल प्रभाव से उक्त बोर्ड के सदस्यों के रूप में नियुक्त करती है :—

- | | |
|--|-----------------------------------|
| 1. श्री महेन्द्र मोहन | 14. श्री अशिम मित्रा |
| 2. श्रीमती मृणाल पांडे | 15. श्री संजीव गोयनका |
| 3. श्री जगबन्धु मिश्रा | 16. श्री प्रकाश नारायण सिंह |
| 4. श्री एस.वी. शेखर | 17. श्री शान्तनु गोरोई |
| 5. श्री टी आर जवाहर | 18. श्री राजदत्त मयालू |
| 6. श्री एल. सुरेश | 19. श्री शेखर सुमन |
| 7. श्री राम कुमार | 20. सुश्री डॉली सोही |
| 8. श्री एस रामनुजम | 21. श्रीमती पूनम सिन्हा |
| 9. श्री दोलेन्द्र प्रसाद | 22. श्रीमती नीता अम्बानी |
| 10. श्री चुक्कापल्ली सुरेश | 23. श्री बेबी अम्पट |
| 11. लेफ्टिनेंट जनरल (सेवानिवृत्त) एम.ए. जाकी | 24. श्री पट्टनाक्काडु पुरुषोत्तमन |
| 12. श्री श्रीनाथ | |
| 13. श्रीमती विजयलक्ष्मी विजय कुमार | |

[फ. सं. 809/12/2003-एफ (सी)]

अंजुलि चिब दुग्गल, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th January, 2004

S.O. 393.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules, 1983 and in supersession of the earlier Notifications relating to appointment of members of the Central Board of Film Certification, the Central Government is pleased to appoint the following persons as members of the said Board with immediate effect until further orders :—

- | | |
|-----------------------------------|-------------------------------------|
| 1. Shri Mahendra Mohan | 14. Shri Ashim Mitra |
| 2. Smt. Mrinal pandey | 15. Shri Sanjiv Goenka |
| 3. Shri Jagabandhu Mishra | 16. Shri Prakash Narayan Singh |
| 4. Shri S. Ve. Sekhar | 17. Shri Shantanu Gogoi |
| 5. Shri T.R. Jawahar | 18. Shri Rajdutt Mayalu |
| 6. Shri L. Suresh | 19. Shri Shekhar Suman |
| 7. Shri Ram Kumar | 20. Ms. Dolly Sohi |
| 8. Shri S. Ramanujam | 21. Smt. Poonam Sinha |
| 9. Shri Dolendra prasad | 22. Smt. Neeta Ambani |
| 10. Shri Chukkappalli Suresh | 23. Shri Baby Ampatt |
| 11. Lt. Gen. (Retd.) M.A. Zaki | 24. Shri Pattanakkadu Puroshothaman |
| 12. Shri Srinath | |
| 13. Smt. Vijayalaxmi Vijaya Kumar | |

[F. No. 809/12/2003-F(C)]

A.C. DUGGAL, Jt. Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 13 फरवरी, 2004

का. आ. 394.—केन्द्रीय सरकार, राजभाषा (संच के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथा संशोधित, 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

मुख्य महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, कर्नाटक परिमण्डल, बेंगलूर-560 008

1. केन्द्रीय तार घर, हुबली
2. मंडल अभियंता, प्रतिष्ठापन, हुबली
3. मंडल अभियंता, ओएससी, हुबली
4. मंडल अभियंता, बास्थ, हुबली
5. उपमंडल अभियंता, टैक्स, हुबली
6. उपमंडल अभियंता, इंडोर, हुबली
7. उपमंडल अभियंता, टेलीग्राफ्स, हुबली
8. उपमंडल अभियंता, गोकुलरोड, हुबली
9. उपमंडल अभियंता, अरविंद नगर, हुबली
10. उपमंडल अभियंता, नरगुंद, हुबली
11. उपमंडल अभियंता, कलघटगी, हुबली
12. मंडल अभियंता, फोन्स, धारवाड
13. मंडल अभियंता, ग्रामीण, गदग
14. उपमंडल अधि., फोन्स, गदग
15. मंडल अभियंता, ग्रामीण, हावेरी
16. विभागीय तारघर, हावेरी
17. उपमंडल अभियंता, हिरेकेरूर
18. उपमंडल अभियंता, राणेबेन्नूर
19. उपमंडल अधि., फोन्स, राणेबेन्नूर
20. उपमंडल अधि., टेली, राणेबेन्नूर
21. मंडल अभियंता, कारवार
22. मंडल अभियंता, सिरसी
23. उपमंडल अधि., जोड़डा
24. उपमंडल अधि., तार कुमटा
25. उपमंडल अधि., तार, होन्नावर

26. मंडल अभियंता, कुमटा
27. उपमंडल अधिकारी, तार, कारवार
28. उपमंडल अभियंता, फोन्स, कुमटा
29. उपमंडल अभियंता, फोन्स, कारवार

[सं. ई.-11016/1/2002-र.भा.]

हरीश चन्द्र जयाल, संयुक्त सचिव

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

New Delhi, the 13th February, 2004

S. O. 394.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union), Rules, 1976 (as amended-1987), the Central Government hereby notifies the following Offices under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications where more than 80% of staff have acquired working knowledge of Hindi.

Chief General Manager, Bharat Sanchar Nigam Limited, Karnataka Circle, Bangalore-560 008.

1. Central Telegraph Office, Hubli
2. Divisional Engineer, Establishment, Hubli
3. Divisional Engineer, OSC, Hubli
4. Divisional Engineer, Outer, Hubli
5. Sub Divisional Engineer, Tax, Hubli
6. Sub Divisional Engineer, Indoor, Hubli
7. Sub Divisional Engineer, Telegraphs, Hubli
8. Sub Divisional Engineer, Gokul Road, Hubli
9. Sub Divisional Engineer, Arvind Nagar, Hubli
10. Sub Divisional Engineer, Nargund, Hubli
11. Sub Divisional Engineer, Calghatagi, Hubli
12. Divisional Engineer, Phones, Dharwar
13. Divisional Engineer, Village, Gadag
14. Sub Divisional Officer, Phones, Gadag
15. Divisional Officer, Village, Haveri
16. Departmental Telegraph Office, Haveri
17. Sub Divisional Engineer, Hirekerur
18. Sub Divisional Engineer, Ranebenoor
19. Sub Divisional Officer, Phones, Ranebenoor
20. Sub Divisional Officer, Tele, Ranebenoor
21. Divisional Engineer, Karwar

22. Divisional Engineer, Seersi
23. Sub Divisional Officer, Joidha
24. Sub Divisional Officer, Telegram, Kumta
25. Sub Divisional Officer, Telegram, Honawar
26. Divisional Engineer, Kumta
27. Sub Divisional Officer, Karwar
28. Sub Divisional Engineer, Phones, Kumta
29. Sub Divisional Engineer, Phones, Karwar

[No. E-1 1016/1/2002 (O.L.)]

HARISH CHANDRA JAYAL, Jt. Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 6 फरवरी, 2004

का. आ. 395.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में, नागर विमानन मंत्रालय के अधीनवर्ती कार्यालय भारतीय विमानपत्तन प्राधिकरण के वरिष्ठ प्रबंधक (एटीसी) का कार्यालय, राजकोट हवाई अड्डा को, जिसके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई.-11011/01/2000-रा.भा.]

चन्द्रभान नारनौली, निदेशक (राजभाषा)

MINISTRY OF CIVIL AVIATION

New Delhi, the 6th February, 2004

S.O. 395.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for the official purposes of the Union) Rules, 1976, the Central Government, hereby notifies office of the Sr. Manager (ATC) Rajkot Airport of Airport Authority of India, the public sector undertaking of Ministry of Civil Aviation, whereof, more than 80% staff have acquired the working knowledge of Hindi.

[No. E.-11011/01/2000 (O.L.)]

C.B. NARNAULI, Director (OL)

वस्त्र मंत्रालय

नई दिल्ली, 10 फरवरी, 2004

का. आ. 396.—केन्द्रीय सरकार केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 की उपधारा (3)(जे) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा निम्नलिखित व्यक्तियों को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए केन्द्रीय रेशम बोर्ड के सदस्य के रूप में कार्य करने के लिए उक्त अधिनियम के उपबंधों के अधीन नामांकित करती है।

- | 1 | 2 | 3 |
|------------------------------|---|---|
| 1. श्री पवन कुमार जैन | 57, थाउगल बाजार, इम्फाल, मणिपुर-795 001 | केंद्रीय सरकार द्वारा अधिनियम के अनुच्छेद 4 (3) (जे) के तहत नामित |
| 2. श्री एस.पी. राधाकृष्णा, | 7/171, नेहरू बाजार, मदनपल्ली-517 325 | |
| 3. श्री टी.के. शिवा बीरप्पा, | 7/2, पहली मुख्य सड़क, गंगानगर, हेब्बल बिन्नी मिल के पीछे, बेंगलूर-560 032 | |
| 4. श्री अशोक शर्मा, | गांव-जयरामपुर, पोस्ट-धर्मपुर रत्ती, थाना-बीहपुर, जिला-भागलपुर, (बिहार) | |

[फा. सं. 25012/56/99-रेशम]

किरण धींगरा, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 10th February, 2004

S.O. 396.—In exercise of powers conferred by Sub-section (3)(j) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates the following persons to serve as members of the Central Silk Board for a period of three years with effect from the date of this notification subject to the provisions of the said Act.

- | | | |
|------------------------------|---|--|
| 1. Shri Pawan Kumar Jain, | 57, Thaugal Bazar, Imphal, Manipur-795 001 | Nominated by the Central Government under Section 4(3)(j) of the Act |
| 2. Shri S.P. Radhakrishna, | 7/171, Nehru Bazar, Madanapalle-517 325 | |
| 3. Shri T.K. Shiva Beerappa, | Ganganagar 7/2, 1st Main Road, Behind Hebbal Binny Mill, Bangalore-560 032 | |
| 4. Shri Ashok Sharma, | Vill. Jairam Pur, Post : Dharampur, Ratti, PS-Bihpur, Distt. Bhagalpur (Bihar). | |

[F. No. 25012/56/99-Silk]

KIRAN DHINGRA, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 09 फरवरी, 2004

का. आ. 397 .— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 397 (भाग 2) : 2003 उत्पादन के दौरान गुणता नियंत्रण की प्रणाली भाग 2 गुणों और दोषों की गणना के लिये नियंत्रण सारणी (तीसरा पुनरीक्षण)	आईएस 397 (भाग 2) : 1985	31-08-2003
2.	आईएस 397 (भाग 3) : 2003 उत्पादन के दौरान गुणता नियंत्रण की प्रणाली भाग 2 गुणों चरों के लिये नियंत्रण सारणी (पहला पुनरीक्षण)	आईएस 397 (भाग 3) : 1980	31-08-2003
3.	आईएस 745 : 2003 वस्त्रादि—हथकरघे की पलंग की सूती चादरें—विशिष्ट (तीसरा पुनरीक्षण)	आईएस 745 : 1990	31-08-2003
4.	आईएस 951 : 2003 हवाई पट्टी पर विमान गिरने पर बचाव की कार्यात्मक अपेक्षाएं (चौथा पुनरीक्षण)	आईएस 951 : 1987	31-07-2003
5.	आईएस 1003 (भाग 1) : 2003 लकड़ी के दिल्लेदार तथा कांचित शटर—विशिष्ट (चौथा पुनरीक्षण)	आईएस 1003 (भाग 1) : 1991	31-08-2003
6.	आईएस 1248 (भाग 2) : 2003 प्रत्यक्ष क्रियाशील सूचक अनुरूप वैद्युत मापन उपकरण तथा उनके सहायक उपकरण भाग 2 एममीटरों तथा वोल्ट मीटरों की विशेष अपेक्षाएं (तीसरा पुनरीक्षण)	आईएस 1248 (भाग 2) : 1983	31-08-2003
7.	आईएस 1248 (भाग 4) : 2003 प्रत्यक्ष क्रियाशील सूचक अनुरूप वैद्युत मापन उपकरण तथा उनके सहायक उपकरण भाग 4 आवृत्ति मीटरों की विशेष अपेक्षाएं (तीसरा पुनरीक्षण)	आईएस 1248 (भाग 4) : 1983	31-08-2003

(1)	(2)	(3)	(4)
8.	आईएस 1248 (भाग 6) : 2003 प्रत्यक्ष क्रियाशील सूचक अनुरूप वैद्युत मापन उपकरण तथा उनके सहायक उपकरण भाग 2 औम मीटरों (इम्पीडेन्स मीटरों) और कन्डक्टैन्स मीटरों की विशेष अपेक्षाएं (तीसरा पुनरीक्षण)	आईएस 1248 (भाग 6) : 1983	31-08-2003
9.	आईएस 1248 (भाग 7) : 2003 प्रत्यक्ष क्रियाशील सूचक अनुरूप वैद्युत मापन उपकरण तथा उनके सहायक उपकरण भाग 2 मल्टी-फंक्शन उपकरणों की विशेष अपेक्षाएं (तीसरा पुनरीक्षण)	आईएस 1248 (भाग 7) : 1983	31-08-2003
10.	आईएस 1923 : 2003 वस्त्रादि-विद्युत्तरोधी प्रयोजनों के लिए सूती किनारेदार फीता-विशिष्ट (तीसरा पुनरीक्षण)	आईएस 1923 : 1973	31-08-2003
11.	आईएस 1984 (भाग 1) : 2003 इंजेक्शन द्रव्यों हेतु शीशियां उपसाधन भाग 1 कांच नली से बनी इंजेक्शन शीशियां (दूसरा पुनरीक्षण)	आईएस 1984 (भाग 1) : 1971	31-08-2003
12.	आईएस 1984 (भाग 2) : 2003 इंजेक्शन द्रव्यों हेतु शीशियां उपसाधन भाग 2 सांचे में ढले कांच से बनी इंजेक्शन शीशियां (दूसरा पुनरीक्षण)	आईएस 1984 (भाग 2) : 1971	31-08-2003
13.	आईएस 2285 : 2003 इंजीनियरी माप विज्ञान-मापने का उपस्कर ढलवां लोहे की सतह प्लेटें-विशिष्ट (तीसरा पुनरीक्षण)	आईएस 2285 : 1991	31-08-2003
14.	आईएस 2417 : 2003 पराश्रव्य अविनाशी परीक्षण में प्रयुक्त शब्दावलि-यां (दूसरा पुनरीक्षण)	आईएस 2417 : 1977	31-08-2003
15.	आईएस 2645 : 2003 सीमेंट मोर्टार एवं कंक्रीट के लिए एकीकृत जल-सह यौगिक-विशिष्ट (दूसरा पुनरीक्षण)	आईएस 2645 : 1975	31-07-2003
16.	आईएस 3398 : 2003 पचौली का तेल-विशिष्ट (पहला पुनरीक्षण)	आईएस 3398 : 1965	31-07-2003
17.	आईएस 3976 : 2003 खनिकों के लिए रबड़ कैनवस के संरक्षी बूट-विशिष्ट (पांचवां पुनरीक्षण)	आईएस 3976 : 1995	31-08-2003

(1)	(2)	(3)	(4)
18.	आईएस 4113 (भाग 1) : 2003 लोरिंगोस्कोपिक फिटिंग भाग पारम्परिक हुक-ऑन टाइप हैंडल- ब्लेड फिटिंग (दूसरा पुनरीक्षण)	आईएस 4113 (भाग 1) : 1986	31-08-2003
19.	आईएस 4113 (भाग 2) : 2003 लोरिंगोस्कोपिक फिटिंग भाग 2 बिजली के छोटे बल्ब-पारम्परिक ब्लेडों के लिए पेंच चूड़ियाँ और सॉकेट (दूसरा पुनरीक्षण)	आईएस 4113 (भाग 2) : 1986	31-08-2003
20.	आईएस 4964 : 2003 वस्त्रादि-सादी (सिंगल जर्सी) बुनी (निटेड) सूती बनियान-विशिष्ट (चौथा पुनरीक्षण)	आईएस 4964 : 1991	31-07-2003
21.	आईएस 5334 : 2003 वेल्ड के चुम्बकीय कण द्वारा दोष निकालने हेतु रीति संहिता (दूसरा पुनरीक्षण)	आईएस 5334 : 1981	31-10-2003
22.	आईएस 6234 : 2003 सुवाहय अग्नि शामक पानी वाले (भंडारित दाब) विशिष्ट (दूसरा पुनरीक्षण)	आईएस 6234 : 1986	31-08-2003
23.	आईएस 6765 (भाग 1) : 2003 पावर चालित औद्योगिक ट्रक-रेटित क्षमता के अभिनाम के मानदंड तथा क्षमता भाग 1 पावर हाई लिफ्ट ट्रक (पहला पुनरीक्षण)	आईएस 6765 (भाग 1) : 1972	31-07-2003
24.	आईएस 6876 : 2003 कांटा उत्पादक ट्रकों की तकनीकी विशेषताएं तथा फार्क आर्म का परीक्षण (पहला पुनरीक्षण)	आईएस 6876 : 1972	31-07-2003
25.	आईएस 7327 : 2003 इंजीनियरी माप विज्ञान-मापने का उपस्कर- ग्रेनाइट सतह प्लेटें-विशिष्ट (दूसरा पुनरीक्षण)	आईएस 7327 : 1991	31-08-2003
26.	आईएस 7409 (भाग 1) : 2003 संवेदनाहारी एवं श्वसन उपस्कर-शंक्वाकर संयोजक भाग 1 कोन तथा सॉकेट (तीसरा पुनरीक्षण)	आईएस 7409 (भाग 1) : 1985	31-08-2003
27.	आईएस 7525 : 2003 कांटा उत्पापी ट्रकों के लिए कांटा वाहक और कांटा आर्म के आरोपण आयाम (पहला पुनरीक्षण)	आईएस 7525 : 1974	31-07-2003

(1)	(2)	(3)	(4)
28.	आईएस 7552: 2003 विशेष स्टैकिंग स्थितियों में संचालित आगे झुक मस्तूल के साथ औद्योगिक ट्रक-अतिरिक्त स्थिरता परीक्षण (पहला पुनरीक्षण)	आईएस 7552 : 1974	31-08-2003
29.	आईएस 7553 : 2003 पावर युक्त औद्योगिक ट्रकों के नियंत्रण चिन्ह-विशिष्ट (पहला पुनरीक्षण)	आईएस 7553 : 1975	30-09-2003
30.	आईएस 7951: 2003 वस्त्रादि मशीनरी एवं सहायकांग—आवलन के बीम-सलाइवर, रोविंग तथा यार्न के रंजन के लिए बीम (दूसरा पुनरीक्षण)	आईएस 7951 : 1974	31-08-2003
31.	आईएस 8310: 2003 सूचना और प्रलेखन—अन्तर्राष्ट्रीय मानक पुस्तक संख्यांकन (आई एस बी एन) (पहला पुनरीक्षण)	आईएस 8310 : 1977	31-08-2003
32.	आईएस 9469: 2003 वस्त्रादि-सादा (सिंगल जर्सी) बुना (निटेड) सूती कपड़ा-विशिष्ट (दूसरा पुनरीक्षण)	आईएस 9469 : 1991	31-08-2003
33.	आईएस 10101: 2003 सूचना और प्रलेखन—अन्तर्राष्ट्रीय मानक श्रृंखला संख्या (आई एस एस एन) (पहला पुनरीक्षण)	आईएस 10101 : 1982	31-08-2003
34.	आईएस 10456: 2003 सिल्वर-जिलेटिन टाइप माइक्रोफार्म के घनत्व के लिए-विशिष्ट (पहला पुनरीक्षण)	आईएस 10456 : 1983	31-07-2003
35.	आईएस 11646 (भाग I): 2003 नेत्रहीनों के लिए केन-विशिष्ट भाग I सख्त, लम्बी और सफेद (पहला पुनरीक्षण)	आईएस 11646 : 1986	31-08-2003
36.	आईएस 11986: 2003 औद्योगिक वस्त्रादि—अपघर्षणों के लिए बैंकिंग का सूती कपड़ा-विशिष्ट (पहला पुनरीक्षण)	आईएस 11986 : 1986	31-08-2003
37.	आईएस 12650: 2003 वस्त्रादि—50 कि.ग्रा. खाद्यान्न पैक करने के लिए पटसन के बोरे-विशिष्ट (दूसरा पुनरीक्षण)	आईएस 12650 : 1997	31-10-2003

(1)	(2)	(3)	(4)
38.	आईएस 13302: 2003 उबड़ खाबड़ मैदान के काँटा उत्थापी ट्रक —स्थिरता परीक्षण (पहला पुनरीक्षण)	आईएस 13302 : 1992	30-09-2003
39.	आईएस 13844: 2003 फल और सब्जी उत्पाद—अनुमाप्य अम्लता ज्ञात करना (पहला पुनरीक्षण)	आईएस 13844 : 1993	30-09-2003
40.	आईएस 13845: 2003 फल और सब्जी उत्पाद—पानी में अविलेय अंश ज्ञात करना (पहला पुनरीक्षण)	आईएस 13845 : 1993	30-09-2003
41.	आईएस 13917: 2003 खान में उद्वहन के लिए लद्दार रस्सियाँ —तकनीकी वितरण अपेक्षाएं (पहला पुनरीक्षण)	आईएस 13917 : 1994	31-08-2003
42.	आईएस 14147 (भाग I) : 2003 पहचान पत्र-रिकार्ड करने की तकनीक भाग I उच्चित्रण (पहला पुनरीक्षण)	आईएस 14147 (भाग I) : 1994	31-08-2003
43.	आईएस 14147 (भाग 2) : 2003 पहचान पत्र-रिकार्ड करने की तकनीक भाग 2 चुम्बकीय पट्टी-अल्प निग्राहिता (पहला पुनरीक्षण)	आईएस 14147 (भाग 2) : 1994	31-07-2003
44.	आईएस 15027 (भाग 3) : 2003 सूक्ष्म आलेखी शब्दावली भाग 3 फिल्म प्रक्रमण	—	30-09-2003
45.	आईएस 15027 (भाग 4) : 2003 सूक्ष्म आलेखी शब्दावली भाग 4 सामग्रियाँ एवं पैकेजिंग	—	30-09-2003
46.	आईएस 15279 : 2003 चीनी एवं चीनी उत्पाद—परीक्षण विधि	—	31-07-2003
47.	आईएस 15343 : 2003 सोडिक भूमि उद्धार के लिए प्रेसमड—विशिष्ट	—	31-08-2003
48.	आईएस 15344 : 2003 हरी चाय—विशिष्ट	—	31-08-2003
49.	आईएस 15362 : 2003 उत्प्लव घनत्वमापी निर्धारण—संरचनाओं के प्रयोग द्वारा खुले प्रणालों में प्रवाह-मापन— मिश्रण मापन संरचनाएं	—	31-07-2003

(1)	(2)	(3)	(4)
50.	आईएस 15363 (भाग 1) : 2003 टेरोटेक्नोलॉजी की मार्गदर्शिका भाग 1 टेरोटेक्नोलॉजी की प्रस्तावना	आई एस 14147 (भाग 2): 1994	31-07-2003
51.	आईएस 15363 (भाग 2) : 2003 टेरोटेक्नोलॉजी की मार्गदर्शिका भाग 2 तकनीकों और अनुप्रयोगों की प्रस्तावना	—	31-08-2003
52.	आईएस 15364 : 2003 स्वचल वाहन—स्पाट बैठने वाले एम 10 × 1 स्पाक-प्लग तथा उनके सिलिंडर शीर्ष में फिटिंग	—	31-07-2003
53.	आईएस 15365 : 2003 रंग रोगन के लिए एमिनो रेजिन —विशिष्ट	—	31-07-2003
54.	आईएस 15367 (भाग 1) : 2003 बल्क प्रहस्तन उपस्कर-स्टैकर (रेल आरोपित) भाग 1 सामान्य अपेक्षाएं	—	31-08-2003
55.	आईएस 15367 (भाग 2) : 2003 बल्क प्रहस्तन उपस्कर-स्टैकर (रेल आरोपित) भाग 2 क्रेता द्वारा देय आंकड़ा पत्र	—	31-08-2003
56.	आईएस 15367 (भाग 3) : 2003 बल्क प्रहस्तन उपस्कर-स्टैकर (रेल आरोपित) भाग 3 निर्माता/पूर्तिकर्ता द्वारा देय आंकड़ा पत्र	—	31-08-2003
57.	आईएस 15371 (भाग 1) : 2003 ज्यामितीय उत्पाद विशिष्टियाँ (जी.पी.एस.)—वर्कपीस के मापन द्वारा निरीक्षण तथा मापक उपस्कर भाग 1 विशिष्टि अनुसार अनुरूप होने या अनुरूप न होने के निर्णय नियम	—	31-08-2003
58.	आईएस 15372 : 2003 गोलाई का मापन—गोलाई के निबन्धन, परिभाषाएँ और प्राचल	—	31-08-2003
59.	आईएस 15373 : 2003 गोलाई से विचलन का मूल्यांकन करने की विधि—अर्धव्यास में विभिन्नता का मापन	—	31-08-2003
60.	आईएस 15374 : 2003 गोलाई से विचलन का मूल्यांकन करने की विधि—दो व तीन बिन्दु विधि द्वारा मापन	—	31-08-2003

(1)	(2)	(3)	(4)
61.	आईएस 15375 : 2003 ज्यामितीय उत्पाद विशिष्टियाँ (जी.पी.एस.)—सतही बनावट : रूपरेखा विधि—फेज सुधार फिल्टर के माप विज्ञान लक्षण	आईएस 14147 (भाग 2) : 1994	31-08-2003
62.	आईएस 15376 (भाग 1) : 2003 आस्टॉमी संग्रहण बैग भाग 1 शब्दावली	—	30-09-2003
63.	आईएस 15376 (भाग 2) : 2003 आस्टॉमी संग्रहण बैग भाग 2 अपेक्षाएं एवं परीक्षण पद्धतियाँ	—	30-09-2003
64.	आईएस 15378 : 2003 वस्त्रादि मशीनरी एवं सहायकांग—बेलनाकार नालियाँ—चीज रंजन के लिए छिद्रदार नालियों के आयाम, छूटें तथा अभिनाम	आईएस 574 : 1996/ आईएसओ 574 : 1979	31-07-2003
65.	आईएस 15379 : 2003 वस्त्रादि मशीनरी एवं सहायकांग—कताई प्रिपरेटरी एवं कताई मशीनरी हेतु स्टील पिन	—	31-08-2003
66.	आईएस 15380 : 2003 संचकित, उठे हुए, उच्च घनत्व फाइबर (एच डी एफ) के दरवाजों के पल्ले- विशिष्टि	—	31-08-2003
67.	आईएस 15381 : 2003 अग्नि शमन हेतु कम्बल—विशिष्टि	—	31-08-2003
68.	आईएस 15383 : 2003 वस्त्रादि मशीनरी एवं सहायकांग—क्रास वाइंडिंग के लिए शंकु—रंजन में अनुप्रस्थ आवलन के लिए प्रयोग होने वाले अर्धकोण 420° वाले शंकुओं के आयाम, छूटें तथा अभिनाम	आईएस 324 : 1996/ आईएसओ 324 : 1978	30-09-2003
69.	आईएस 15384 : 2003 वस्त्रादि मशीनरी एवं सहायकांग—आवलन के लिए बीम—वस्त्र रंजन के लिए बीम	—	31-08-2003
70.	आईएस 15385 : 2003 काष्ठकारी औजार—धातु-ढाँचे के बेंच रंदे, रंदा कर्तक तथा लोहा तापी	आईएस 4057 : 1986 और आईएस 11832 : 1986	31-08-2003
71.	आईएस 15387 : 2003 प्रतिरोधिता स्पोर्ट वेल्डिंग—मेल इलैक्ट्रोड कैप	—	31-08-2003
72.	आईएस 15388 : 2003 सिलिका फ्यूम—विशिष्टि	—	31-08-2003

(1)	(2)	(3)	(4)
73.	आईएस 15389 : 2003 जी ई डी आई—व्यापक इलेक्ट्रॉनिक प्रलेख अन्तर्विनियम	आईएस 4057 : 1986 और आईएस 11832 : 1986	30-09-2003
74.	आईएस 15393 (भाग 1) : 2003 मापन पद्धतियों तथा परिणामों की यथार्थता (वास्तविक एवं परिशुद्ध) भाग 1 सामान्य सिद्धांत एवं परिभाषाएँ	—	30-09-2003
75.	आईएस 15393 (भाग 3) : 2003 मापन पद्धतियों तथा परिणामों की यथार्थता (वास्तविक एवं परिशुद्ध) भाग 3 मानक मापन पद्धति की परिशुद्धता का मध्यवर्ति मापन	—	30-09-2003
76.	आईएस 15393 (भाग 4) : 2003 मापन पद्धतियों तथा परिणामों की यथार्थता (वास्तविक एवं परिशुद्ध) भाग 4 मानक मापन पद्धति की वास्तविकता ज्ञात करने की मूल पद्धति	—	30-09-2003
77.	आईएस 15394 : 2003 पेट्रोलियम शोधन कारखानों और उर्वरक संयंत्रों में आग से सुरक्षा—रीति संहिता	—	31-08-2003
78.	आईएस 15397 : 2003 सुवाह्य अग्नि शामक (भंडारित दाब) यांत्रिक ज्ञाग वाले—विशिष्ट	—	30-09-2003
79.	आईएस 15402 : 2003 सिरैमिक रेशे के कंबल उष्मारोधन—विशिष्ट	—	30-09-2003
80.	आईएस 15410 : 2003 पैकेजबंद खनिज जल और पैकेजबंद पेय जल की पैकेजबंदी के लिए धारक—विशिष्ट	—	31-10-2003
81.	आईएस 15417 (भाग 1) : 2003 वस्त्रादि मशीनरी और उपसाधन—रीड भाग 1 डबल—स्प्रिंग बॉल्क के साथ धातु रीड—आयाम और अभिनाम	—	31-10-2003
82.	आईएस 15417 (भाग 2) : 2003 वस्त्रादि मशीनरी और उपसाधन—रीड भाग 2 प्लास्टिक बधित धातु रीड —आयाम और अभिनाम	—	31-10-2003

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम् में बिक्री हेतु उपलब्ध हैं।

[सं० के० प्र० वि०/13:2]

एस० के० चौधरी, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****BUREAU OF INDIAN STANDARDS**

New Delhi, the 9th February, 2004

S.O. 397.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 397 (Pt. 2) : 2003 — Methods for statistical quality control during production Part 2 : Control charts for attributes (Third Revision)	IS 397 (Pt. 2) : 1985	31-08-2003
2.	IS 397 (Pt. 3) : 2003 — Methods for statistical quality control during production Part 3 : Special Control charts by variables (First Revision)	IS 397 (Pt. 3) : 1980	31-08-2003
3.	IS 745 : 2003 — Textiles-Handloom cotton led sheets — specification (Third Revision)	IS 745 : 1990	31-08-2003
4.	IS 951 : 2003 — Functional requirements for crash fire tender for air fields	IS 951 : 1987	31-07-2003
5.	IS 1003 (Pt. 1) : 2003 — Timber panelled and glazed shutters — specification (Fourth Revision)	IS 1003 (Pt. 1) : 1991	31-08-2003
6.	IS 1248 (Pt. 2) : 2003 — Direct acting indicating analogue electrical measuring instruments and their accessories part 2 : Special requirements for ammeters and voltmeters (Third revision)	IS 1248 (Pt. 2) : 1983	31-08-2003

(1)	(2)	(3)	(4)
7.	IS 1248(Pt. 4) : 2003 — Direct acting indicating analogue electrical measuring instruments and their accessories Part 4 : Special requirements for frequency meters	IS 1248(Pt. 4) : 1983	31-08-2003
8.	IS 1248(Pt. 6) : 2003 — Direct acting indicating analogue electrical measuring instruments and their accessories Part 6 : Special requirements for ohmmeters (impedance meters) and conductance meters (Third Revision)	IS 1248(Pt. 6) : 1983	31-08-2003
9.	IS 1248(Pt. 7) : 2003 — Direct acting indicating analogue electrical measuring instruments and their accessories Part 7 : Special requirements for multi-function instruments (Third Revision)	IS 1248(Pt. 7) : 1983	31-08-2003
10.	IS 1923 : 2003 — Textiles—cotton selvedge tapes for electrical insulation purposes—specification (Third Revision)	IS 1923 : 1973	31-08-2003
11.	IS 1984(Pt. 1) : 2003 — Injection containers for injectables and accessories Part 1 : Injection Vials made of glass tubing (Second Revision)	IS 1984(Pt. 1) : 1971	31-08-2003
12.	IS 1984(Pt. 2) : 2003 — Injection containers for injectables and accessories Part 2 : Injection Vials made of moulded glass (Second Revision)	IS 1984(Pt. 2) : 1971	31-08-2003
13.	IS 2285 : 2003 — Engineering metrology measuring equipment — cast iron surface plates— specification (Third Revision)	IS 2285 : 1991	31-08-2003

(1)	(2)	(3)	(4)
14.	IS 2417 : 2003 — Glossary of terms used in ultrasonic non— destructive testing (Second Revision)	IS 2417 : 1977	31-08-2003
15.	IS 2645 : 2003 — Integral waterproofing compounds for cement mortar and concrete— specification (Second Revision)	IS 2645 : 1975	31-07-2003
16.	IS 3398 : 2003 — Oil of patchouli— specification (First Revision)	IS 3398 : 1965	31-07-2003
17.	IS 3976 : 2003 — Protective rubber canvas boots for miners—specification (Fifth Revision)	IS 3976 : 1995	31-08-2003
18.	IS 4113(Pt. 1) : 2003 — Laryngoscopic fittings Part 1 : Conventional hook-on type handle-blade fittings (Second Revision)	IS 4113(Pt. 1) : 1986	31-08-2003
19.	IS 4113(Pt. 2) : 2003 — Laryngoscopic fittings Part 2 : Miniature electric lamps— screw threads and sockets for conventional blades (Second Revision)	IS 4113(Pt. 2) : 1986	31-08-2003
20.	IS 4964 : 2003 — Textiles—vests, cotton, plain (Single jersey) knitted—specification (Fourth Revision)	IS 4964 : 1991	31-07-2003
21.	IS 5334 : 2003 — Magnetic particle flaw detection of welds—code of practice (Second Revision)	IS 5334 : 1981	31-10-2003
22.	IS 6234 : 2003 — Portable fire extinguisher water type (stored pressure) specification (Second Revision)	IS 6234 : 1986	31-08-2003

(1)	(2)	(3)	(4)
23.	IS 6765 : 2003 — Powered industrial trucks—parameters for designation of rated capacity and capacity Part 1 : Powered high lift trucks (First Revision)	IS 6765(Pt. I) : 1972	31-07-2003
24.	IS 6876 : 2003 — Technical characteristics and testing of fork arms for forklift trucks (First Revision)	IS 6876 : 1972	31-07-2003
25.	IS 7327 : 2003 — Engineering metrology— measuring equipment— granite surface plates— specification (Second Revision)	IS 7327 : 1991	31-08-2003
26.	IS 7409(Pt. I) : 2003 — Anaesthetic and respiratory equipment— conical connectors Part 1 : Cones and sockets (Third Revision)	IS 7409(Pt. I) : 1985	31-08-2003
27.	IS 7525 : 2003 — Mounting dimensions for fork carriers and fork arms for forklift trucks	IS 7525 : 1974	31-07-2003
28.	IS 7552 : 2003 — Industrial trucks operating in special condition of stacking with mast tilted for ward—additional stability test (First Revision)	IS 7552 : 1974	31-08-2003
29.	IS 7553 : 2003 — Control symbols for powered industrial trucks—specification (First Revision)	IS 7553 : 1975	30-09-2003
30.	IS 7951 : 2003 — Textile machinery and accessories—beams for windings—beams for dyeing slivers, rovings and yarns (Second Revision)	IS 7951 : 1997	31-08-2003

(1)	(2)	(3)	(4)
31.	IS 8310 : 2003— Information and documentation— international standard book numbering (ISRN) (First Revision)	IS 8310 : 1997	31-08-2003
32.	IS 9469 : 2003— Textiles—fabric, cotton plain (single jersey) knitted—specification (Second Revision)	IS 9469 : 1991	31-08-2003
33.	IS 10101 : 2003— Informations and documentation— international standard serial number (JSSN) (First Revision)	IS 10101 : 1982	31-08-2003
34.	IS 10456 : 2003— Density of silver— gelatin type microforms— specification	IS 10456 : 1983	31-07-2003
35.	IS 11646 (Pt 1) : 2003— Cane for visually handicapped— specification Part 1 : Rigid, long and white (First Revision)	IS 11646 : 1986	31-08-2003
36.	IS 11986 : 2003— Industrial textiles—cotton backing cloth for abrasives— specification (First Revision)	IS 11986 : 1986	31-08-2003
37.	IS 12650 : 2003— Textiles—jute bags for packing 50 kg foodgrains— specification (Second Revision)	IS 12650 : 1997	31-10-2003
38.	IS 13302 : 2003— Rough terrain fork—lift trucks—stability tests (First Revision)	IS 13302 : 1992	30-09-2003
39.	IS 13844 : 2003— Fruit and vegetable products— determination of titratable acidity (First Revision)	IS 13844 : 1993	30-09-2003
40.	IS 13845 : 2003— Fruit and vegetable products— Determination of water— insoluble solids (First Revision)	IS 13845 : 1993	30-09-2003
41.	IS 13917 : 2003— Stranded wire ropes for mine hoisting—technical delivery requirements (First Revision)	IS 13917 : 1994	31-08-2003

(1)	(2)	(3)	(4)
42.	IS 14147 (Pt. 1) : 2003— Identification cards—recording technique Part 1 : Embossing (First Revision)	IS 14147 (Pt 1) : 1994	31-08-2003
43.	IS 14147 (Pt. 2) : 2003— Identification cards—recording technique Part 2 : Magnetic stripe— low coercivity (First Revision)	IS 14147 (Pt 2) : 1994	31-07-2003
44.	IS 15027 (Pt. 3) : 2003— Micrographics—vocabulary Part 3 : Film processing	—	30-09-2003
45.	IS 15027 (Pt. 4) : 2003— Micrographics—vocabulary Part 4 : Materials and packaging	—	30-09-2003
46.	IS 15279 : 2003— Sugar and sugar products— methods of test	—	31-07-2003
47.	IS 15343 : 2003— Pressmud for reclamation of sodic soil—specification	—	31-08-2003
48.	IS 15344 : 2003— Green tea—specification	—	31-08-2003
49.	IS 15362 : 2003— Hydrometric determination— flow measurements in open channels using structures— compound gauging structures	—	31-08-2003
50.	IS 15363 (Pt. 1) : 2003— Guide to terotechnology Part 1 : Introduction to terotechnology	—	31-07-2003
51.	IS 15363 (Pt. 2) : 2003—Guide to terotechnology Part 2 : Introduction to techniques and applications	—	31-08-2003
52.	IS 15364 : 2003— Automotive vehicles—spark-plug M10 × 1 with flat seating	—	31-07-2003
53.	IS 15365 : 2003— Amino resins for paints— specification	—	31-07-2003
54.	IS 15367 (Pt. 1) : 2003— Bulk handling equipment— stacker (rail mounted) Part 1 : General requirements	—	31-08-2003

(1)	(2)	(3)	(4)
55.	IS 15367 (Pt. 2) : 2003— Bulk handling equipment— stacker (rail mounted) Part 2 : Data to be furnished by the purchaser	—	31-08-2003
56.	IS 15367 (Pt. 3) : 2003— Bulk handling equipment— stacker (rail mounted) Part 3 : Data to be furnished by the manufacturer/supplier	—	31-08-2003
57.	IS 15371 (Pt. 1) : 2003— Geometrical product specifications (GPS)— Inspection by measurement of workpieces and measurement equipment. Part 1 : Decision rules for providing conformance or non-conformance with specifications	—	31-08-2003
58.	IS 15372 : 2003— Measurement of roundness— terms, definitions and parameters of roundness	—	31-08-2003
59.	IS 15373 : 2003— Method for the assessment of deparature from roundness— measurement of variations in radius	—	31-08-2003
60.	IS 15374 : 2003— Method for the assessment of deparature from roundness— measurement by two- and three- point methods	—	31-08-2003
61.	IS 15375 : 2003— Geometrical product specifications (GPS)—surface texture : profile method—metrological characteristics of phase correct filters	—	31-08-2003
62.	IS 15376 (Pt. 1) : 2003— Ostomy collection bags Part 1 : Vocabulary	—	31-09-2003
63.	IS 15376 (Pt. 2) : 2003— Ostomy collection bags Part 2 : Requirements and test methods	—	30-09-2003

(1)	(2)	(3)	(4)
64.	IS 15378 : 2003— Textile machinery and accessories—cylindrical tubes— dimensions, tolerances and designation of perforated tubes for cheese dyeing	—	31-07-2003
65.	IS 15379 : 2003— Textile machinery and accessories—steel pins for spinning preparatory and spinning machinery	—	31-08-2003
66.	IS 15380 : 2003— Moulded raised high density fibre (HDF) panel doors— specification	—	31-08-2003
67.	IS 15381 : 2003— Fire blanket—specification	—	31-08-2003
68.	IS 15383 : 2003— Textile machinery and accessories—cones for cross winding—dimensions, tolerances and designation of cones with half angle 4 20° for winding for dyeing purposes	—	30-09-2003
69.	IS 15384 : 2003— Textile machinery and accessories—beams for winding—dyeing beams for textile fabrics	—	31-08-2003
70.	IS 15385 : 2003— Woodworking tools— metal—bodied branch planes, plane cutters and cap irons	—	31-08-2003
71.	IS 15387 : 2003— Resistance spot welding— male electrode caps	—	31-08-2003
72.	IS 15388 : 2003— Silica fume—specification	—	31-08-2003
73.	IS 15389 : 2003— Gedi—generic electronic document interchange	—	30-09-2003
74.	IS 15393 (Pt. 1) : 2003— Accuracy (trueness and precision) of measurement methods and results Part I : General principles and definitions	—	30-09-2003

(1)	(2)	(3)	(4)
75.	IS 15393 (Pt. 3) : 2003— Accuracy (trueness and precision) of measurement methods and results Part 3 : Intermediate measures of the precision of a standard measurement method	—	30-09-2003
76.	IS 15393 (Pt. 4) : 2003— Accuracy (trueness and precision) of measurement methods and results Part 4 : Basic methods for the determination of the trueness of a standard measurement method	—	30-09-2003
77.	IS 15394 : 2003— Fire safety in petroleum refineries and fertilizer plants—code of practice	—	31-08-2003
78.	IS 15397 : 2003— Portable fire extinguisher mechanical foam type (stored pressure)—specification	—	30-09-2003
79.	IS 15402 : 2003— Ceramic fibre blanket insulation—specification	—	30-09-2003
80.	IS 15410 : 2003— Containers for packaging of natural mineral water and packaged drinking water—specification	—	31-10-2003
81.	IS 15417 (Pt. 1) : 2003— Textile machinery and accessories—reeds Part 1 : Metal reeds with double-spring baulk—dimensions and designation	—	31-10-2003
82.	IS 15417 (Pt. 2) : 2003— Textile machinery and accessories—reeds Part 2 : Plastic bound metal reeds—dimensions and designation	—	31-10-2003

Copy of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CMD/13:2]

S. K. CHAUDHURY, Dy. Director General (Marks)

कोयला मंत्रालय

नई दिल्ली, 12 फरवरी, 2004

का. आ. 398.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 2196, तारीख 29 जुलाई, 2003 द्वारा, जो जारी भारत के राजपत्र, भाग II, खंड 3(ii) तारीख 2 अगस्त, 2003 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में यथा वर्णित 186.00 हेक्टर (लगभग) या 459.61 एकड़ (लगभग) माप वाली भूमि में और ऐसी भूमि पर के सभी अधिकारों और यथा वर्णित 15.25 हेक्टर (लगभग) या 37.68 एकड़ (लगभग) माप वाली भूमि में खनन अधिकार के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है, कि —

- (क) इससे संलग्न अनुसूची 'क' में वर्णित 186.00 हेक्टर (लगभग) या 459.61 एकड़ (लगभग) माप वाली भूमि के सभी अधिकार, और
- (ख) इससे संलग्न अनुसूची 'ख' में वर्णित 15.25 हेक्टर (लगभग) या 37.68 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाने चाहिए।

अतः अब केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है, कि :—

- (क) अनुसूची "क" में वर्णित 186.00 हेक्टर (लगभग) या 459.61 एकड़ (लगभग) माप वाली भूमि के सभी अधिकार, और
- (ख) अनुसूची "ख" में वर्णित 15.25 हेक्टर (लगभग) या 37.68 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अधीन अपने आने वाले क्षेत्र के रेखांक सं. सी.-1(ई) III/जेजेएमआर/709-0803, तारीख 23 अगस्त, 2003 का निरीक्षण कलेक्टर, चंद्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाउस स्ट्रीट, कोलकाता, पिन-700001 के कार्यालय में या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची 'क'

जूना कुनाड़ा ओ/सी खंड

माजरी क्षेत्र

जिला चंद्रपुर (महाराष्ट्र)

[रेखांक सं. सी.-1(ई) III/जेजेएमआर/709-0803, तारीख 23 अगस्त, 2003]

सभी अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्यांक	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1	कुनाड़ा	28	भद्रावती	चंद्रपुर	186.00	भाग
कुल क्षेत्र :—					186.00 हेक्टर (लगभग)	
					या	
					459.61 एकड़ (लगभग)	

ग्राम कुनाड़ा में अर्जित किए गए प्लॉट संख्यांक :

1/1- 1/2- 1/3- 1/4, 2 से 11, 12/1- 12/2- 12/3- 12/4, 13/1क, 13/1ख, 13/2, 13/3, 14/1- 14/2- 14/3, 15, 16, 17/1, 17/2, 18, 19, 20/1, 20/2, 20/3, 21 से 28, 29/1, 29/2, 29/3, 30/1, 30/2, 30/3, 31 से 48, 49/1, 49/2, 50/1- 50/2, 51/1, 51/2, 51/3, 52 से 55, 66/4, 71, 72/1क, 72/1ख, 72/2क, 72/2ख, 72/3- 72/4, 73, 74 भाग, 75/1- 75/2, 76/1- 76/2 भाग, 78 से 82, 83/1, 83/2, 84, 85,

86/1- 86/2- 86/3, 87/1- 87/2, 88 से 91, 92/1, 92/2, 92/3, 93/1, 93/2, 94/1- 94/2, 95, 96, 97/1, 97/2, 98 से 102, 103/1- 103/2, 104 से 107, 108/1, 108/2, 109/1 भाग, 109/2, 114, 115, 132/1- 132/2- 132/3 भाग, 232/1, 232/2, 234/1- 234/2, 236, 237, 238/1- 238/2, 239 से 248, 249 भाग, 250 भाग, 251 से 254, 259, 260, 273, 276 से 281 सड़क, पुरानी आबादी, नाला भाग।

सीमा वर्णन :

- क - ख : रेखा, बिन्दु 'क' से आरम्भ होती है और ग्राम कुनाड़ा से होकर जाती है और प्लॉट संख्यांक 55, 54, 53, 52, 51/3, 51/2, 51/1, 50/1, 50/2, 49/2, 49/1, 48, 47, 46 सड़क, प्लॉट संख्यांक 45, 38, 37, 36, 35, 34, 33, 32, 29/1, 29/2, 28, 27, 26, 25, 24, 23, 22, 21, 20/2, 20/1, 13/1ख, 279, 13/1क, 10, 9, 1/1, 1/2, 1/3, 1/4, 240, 239, 238/1- 238/2, 259, 260, 236 की बाहरी सीमा के साथ तथा वर्धा नदी के उत्तरी और पूर्वी किनारों के साथ-साथ होती हुई जाती है और बिन्दु 'ख' पर मिलती है।
- ख - ग : रेखा ग्राम कुनाड़ा से होकर जाती है और प्लॉट संख्यांक 236, 237, 234/1, 234/2, 232/2, नाला की बाहरी सीमा के साथ जाती है और बिन्दु 'ग' पर मिलती है।
- ग - क : रेखा ग्राम कुनाड़ा से होकर जाती है, नाला पार करती है, फिर प्लॉट संख्यांक 249, 250, 132/1, 132/2, 132/3 में से होकर जाती है और प्लॉट संख्यांक 109/1 की बाहरी सीमा के साथ फिर प्लॉट संख्यांक 109/1 में से होती हुई जाती है और प्लॉट संख्यांक 102, 273, 98, 114, 115, 71 की बाहरी सीमा के साथ जाती है, फिर प्लॉट संख्यांक 74, 76/1, 76/2 में से होकर जाती है और प्लॉट संख्यांक 76/1, 76/2, सड़क प्लॉट संख्यांक 66/4, 54, 55 की बाहरी सीमा के साथ जाती है और आरंभिक बिन्दु 'क' पर मिलती है।

अनुसूची 'ख'

जूना कुनाड़ा ओ/सी खंड

माजरी क्षेत्र

जिला चंद्रपुर (महाराष्ट्र)

[रेखांक सं. सी.-1(ई) III/जेजेएमआर/709-0803, तारीख 23 अगस्त, 2003]

खनन अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1	कुनाड़ा	28	भद्रावती	चंद्रपुर	15.25	भाग
				कुल क्षेत्र :-	15.25 हेक्टर (लगभग)	
					या	
					37.68 एकड़ (लगभग)	

ग्राम कुनाड़ा में अर्जित किए गए प्लॉट संख्यांक :

186 से 188, 193/1 भाग, 193/2, 228 से 231, 233, 235, 283, 284, सड़क भाग।

सीमा वर्णन :

- ख- ग : रेखा, बिन्दु 'ख' से आरम्भ होती है और ग्राम कुनाड़ा से होकर जाती है और प्लॉट संख्यांक 235, 233, 284, 283 की बाहरी सीमा के साथ-साथ जाती है, सड़क पार करती है और फिर प्लॉट संख्यांक 187, 186 की बाहरी सीमा के साथ जाती है और बिन्दु 'ग' पर मिलती है।
- ग - घ : रेखा ग्राम कुनाड़ा से होकर जाती है और प्लॉट संख्यांक 186, 188, 193/2, 193/1 की बाहरी सीमा के साथ-साथ जाती है, प्लॉट संख्यांक 193/1 में से होकर और सड़क की बाहरी सीमा के साथ-साथ जाती है और बिन्दु 'घ' पर मिलती है।
- घ - ङ : रेखा ग्राम कुनाड़ा से होकर जाती है, सड़क पार करती है और सड़क की बाहरी सीमा, प्लॉट संख्यांक 283, 284, 228 के साथ-साथ जाती है और बिन्दु 'ङ' पर मिलती है।
- ङ - ख : रेखा ग्राम कुनाड़ा से होकर जाती है प्लॉट संख्यांक 228, 231, 233, 235 की बाहरी सीमा के साथ-साथ जाती है और आरंभिक बिन्दु 'ख' पर मिलती है।

[सं. 43015/8/2002-पी.आर.आई.डब्ल्यू.]

संजय बहादुर, निदेशक

MINISTRY OF COAL

New Delhi, the 12th February, 2004

S.O. 398.—Whereas by the notification of the Government of India in the Ministry of Coal number published in Part-II, Section 3, Sub-section (ii) of the Gazette of India, dated the 2nd August, 2003 vide S.O. 2196 dated the 29th July, 2003, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government gave notice of its intention to acquire the land measuring 186.00 hectares (approximately) or 459.61 acres (approximately) and All Rights in or over such land and land measuring 15.25 hectares (approximately) or 37.68 acres (approximately) in Mining Rights as described in the Schedule appended to that notification;

And whereas the competent authority, in pursuance of Section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that :—

- (a) the lands measuring 186.00 hectares (approximately) or 459.61 acres (approximately) in All Rights described in Schedule "A" appended hereto, and
- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the land measuring 15.25 hectares (approximately) or 37.68 acres (approximately) in Mining Rights described in Schedule "B" appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that—

- (a) the lands measuring 186.00 hectares (approximately) or 459.61 acres (approximately) in All Rights described in Schedule "A",
- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the land measuring 15.25 hectares (approximately) or 37.68 acres (approximately) in Mining Rights described in Schedule "B" are hereby acquired.

The plan bearing number C-1(E)III/JJMR/709-0803, dated the 23rd August, 2003 of the area covered by this notification may be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata (Pin-700001) or in the office of the Western Coal Fields Limited (Revenue Section), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

SCHEDULE—"A"

Juna Kunada O/C Block, Majri Area

District Chandrapur (Maharashtra)

[Plan No. C-1(E)III/JJMR/709-0803 dated the 23rd August, 2003]

All Rights

Serial number	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	Kunada	28	Bhadrawati	Chandrapur	186.00	Part

**Total area : 186.00 hectares
(approximately) or 459.61
acres (approximately)**

Plot numbers acquired in village Kunada :

1/1- 1/2- 1/3- 1/4, 2 to 11, 12/1- 12/2- 12/3- 12/4, 13/1A, 13/1B, 13/2, 13/3, 14/1- 14/2- 14/3, 15, 16, 17/1, 17/2, 18, 19, 20/1, 20/2, 20/3, 21 to 28, 29/1, 29/2, 29/3 30/1, 30/2, 30/3, 31 to 48, 49/1, 49/2, 50/1- 50/2, 51/1, 51/2, 51/3, 52 to 55, 66/4, 71, 72/1A, 72/1B, 72/2A, 72/2B, 72/3- 72/4, 73, 74 part, 75/1- 75/2, 76/1- 76/2 part, 78 to 82, 83/1, 83/2, 84, 85, 86/1- 86/2- 86/3, 87/1- 87/2, 88 to 91, 92/1, 92/2, 92/3, 93/1, 93/2, 94/1- 94/2, 95, 96, 97/1, 97/2, 98 to 102, 103/1- 103/2, 104 to 107, 108/1, 108/2, 109/1 part, 109/2, 114, 115, 132/1- 132/2- 132/3 part, 232/1, 232/2, 234/1- 234/2, 236, 237, 238/1- 238/2, 239 to 248, 249 part, 250 part, 251 to 254, 259, 260, 273, 276 to 281, Road, Old Abadi, Nallah Part.

Boundary description :—

- A - B : Line starts from point 'A' and passes through village Kunada and passes along the outer boundary of plot numbers 55, 54, 53, 52, 51/3, 51/2, 51/1, 50/1-50/2, 49/2, 49/1, 48, 47, 46, Road, plot number 45, 38, 37, 36, 35, 34, 33, 32, 29/1, 29/2, 28, 27, 26, 25, 24, 23, 22, 21, 20/2, 20/1, 13/1B, 279, 13/1A, 10, 9, 1/1-1/2 1/3-1/4, 240, 239, 238/1-238/2, 259, 260, 236 and passes along the Northern and Eastern bank of Wardha River and meets at point 'B'.
- B - C : Line passes through village Kunada and passes along the outer boundary of plot numbers 236, 237, 234/1, 234/2, 232/2, Nallah and meets at point 'C'.
- C - -A : Line passes through village Kunada, crosses nallah, then passes in plot numbers 249, 250, 132/1 - 132/2 - 132/3 and passes along the outer boundary of plot number 109/1 then in plot number 109/1 and passes along the outer boundary of plot numbers 102, 273, 98, 114, 115, 71 then in plot numbers 74, 76/1, 76/2 and passes along the outer boundary of plot number 76/1, 76/2, Road, plot numbers 66/4 54, 55, and meets at starting point 'A'.

SCHEDULE—"B"**Juna Kunada O/C Block, Majri Area****District Chandrapur (Maharashtra)**

(Plan No. C-1(E)III/JJMR/709-0803 dated the 23rd August, 2003)

Mining Rights

Serial number	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Kunada	28	Bhadrawati	Chandrapur	15.25	Part

Total area : 15.25 hectares (approximately)
or 37.68 acres (approximately)

Plot numbers acquired in village Kunada :

186 to 188, 193/1 part, 193/2, 228 to 231, 233, 235, 283, 284, Road Part.

Boundary description :

- B - C : Line starts from point 'B' and passes through village Kunada and passes along the outer boundary of plot numbers 235, 233, 284, 283, crosses Road then passes along the outer boundary of plot numbers 187, 186 and meets at point 'C'.
- C - D : Line passes through village Kunada and passes along the outer boundary of plot numbers 186, 188, 193/2, 193/1, in plot number 193/1 and passes along the outer boundary of Road and meets at point 'D'.
- D - E : Line passes through village Kunada, crosses Road, and passes along the outer boundary of Road, plot numbers 283, 284, 228 and meets at point 'E'.
- E - B : Line passes through village Kunada and passes along the outer boundary of plot numbers 228, 231, 233, 235 and meets at starting point 'B'.

[No. 43015/8/2002/PRIW]

SANJAY BAHADUR, Director

नई दिल्ली, 12 फरवरी, 2004

का. आ. 399.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन जारी भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 4 जनवरी, 2003 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. सं. 11, तारीख 24 दिसम्बर, 2002 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 190.00 हेक्टर (लगभग) या 469.50 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार का यह समाधान हो गया है, कि इस अधिसूचना से संलग्न अनुसूची में वर्णित उक्त भूमि के एक भाग में कोयला अभिप्राय है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अर्जन करने के अपने आशय की सूचना देती है :—

(क) इससे संलग्न अनुसूची 'क' और 'क1' में वर्णित 160.21 हेक्टर (लगभग) या 395.88 एकड़ (लगभग) माप वाली भूमि में या उन पर के सभी अधिकार,

(ख) इससे संलग्न अनुसूची 'ख' में वर्णित 8.12 हेक्टर (लगभग) या 20.06 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार ।

टिप्पण (1) : इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी.-1 (ई) III/एफआर/708-0703 तारीख 23 जुलाई, 2003 का निरीक्षण कलेक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700 001 के कार्यालय में या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोल इस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

टिप्पण (2) : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है :—

अर्जन के प्रति आक्षेप

8.(1) कोई व्यक्ति, जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :—इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी, कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(1) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा, जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर दिए जाते हैं।

टिप्पण (3) : केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700 001 को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है, जिसे अधिसूचना संख्यांक का.आ. सं. 2519 तारीख 27 मई, 1983 के द्वारा भारत सरकार के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 11 जून, 1983 को भारत सरकार के राजपत्र भाग 2, खंड 3, उपखंड (ii) में प्रकाशित किया गया है।

अनुसूची "क"

नया गोंडेगांव घाटरोहना विस्तार खंड

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

(रेखांक सं. सी.-1(ई) III/एफआर/708-0703, तारीख 23 जुलाई, 2003)

सभी अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1	घाटरोहना	13	पारसिवनी	नागपुर	62.83	भाग
2	जूनी-कामठी	13	पारसिवनी	नागपुर	13.42	भाग
कुल क्षेत्र :—					76.25 हेक्टर (लगभग)	
					या	
					188.41 एकड़ (लगभग)	

ग्राम घाटरोहना में अर्जित किए जाने वाले प्लॉट संख्यांक :

53, 54/1- 54/2, 142/ए, 143/1-143/2-143/3- 143/4, 145, 147/1ए-147/1बी-147/1सी- 147/2ए-147/2बी-147/3ए-147/3बी-147/4 भाग, 148/1ए-1- 148/1ए-2- 148/1ए-3- 148/1बी- 148/1बी-1- 148/2- 148/3 भाग, 149/1- 149/2- 149/3- 149/4-149/5, 150/1-ए- 150/1-बी- 150/2-ए- 150/2-बी, 151/1- 151/2- 151/3- 151/4- 151/5- 151/6, 154/1-ए- 154/1-बी- 154/2ए-1-154/2ए-2- 154/3बी, 155, 156 (नाला) भाग, 157/1-ए- 157/1-बी- 157/1-सी- 157/1-डी- 157/2 भाग, 162/1ए- 162/1बी- 162/2, 163/1- 163/2- 163/3- 163/4-ए- 163/4-बी- 163/5-ए- 163/5-बी- 163/5-सी

ग्राम जूनी कामठी में अर्जित किए जाने वाले प्लॉट संख्यांक :

1/1- 1/1ए-1- 1/1ए-2- 1/2-ए- 1/2-बी- 1/3- 1/4- 1/5 भाग, 2/ए1- 2/ए2- 2/ए3, 6 भाग।

सीमा वर्णन :

- क - ख : रेखा, बिन्दु 'क' से आरम्भ होती है और ग्राम जूनी-कामठी से होकर गुजरती है और प्लॉट संख्यांक 2/ए1-2 2/ए2- 2/ए3 की बाह्य सीमा के साथ-साथ जाती है तथा बिन्दु 'ख' पर मिलती है।
- ख - ग : रेखा ग्राम जूनी कामठी से होकर जाती है तथा प्लॉट संख्यांक 2/ए1- 2/ए2- 2/ए3, 1/1- 1/1ए-1- 1/1ए-2- 1/2-ए- 1/2-बी- 1/3- 1/4- 1/5 की बाह्य सीमा के साथ-साथ जाती है तथा प्लॉट संख्यांक 6 में से होकर जाती है और ग्राम जूनी-कामठी और ग्राम धारा की सम्मिलित ग्राम पर बिन्दु 'ग' पर मिलती है।
- ग - घ : रेखा ग्राम घाटरोहना के प्लॉट संख्या 157/1ए- 157/1बी- 157/1सी- 157/1डी- 157/2 की बाह्य सीमा के साथ-साथ होकर जाती है प्लॉट संख्यांक 156 नाला से होकर पार करती है और प्लॉट संख्यांक 155, 154/1-ए- 154/1-बी- 154/2ए-1-154/2ए-2- 154/3-बी, 151/1- 151/2- 151/3- 151/4- 151/5- 151/6, 143/1- 143/2- 143/3- 143/4, 162/1ए-162/1बी- 162/2, 163/1- 163/2- 163/3- 163/4-ए- 163/4-बी- 163/5-ए- 163/5-बी- 163/5-सी की बाह्य सीमा के साथ-साथ होकर जाती है और बिन्दु 'घ' पर मिलती है।
- घ - ङ - च : रेखा ग्राम घाटरोहना के प्लॉट संख्यांक 163/1- 163/2- 163/3- 163/4-ए- 163/4-बी- 163/5-ए- 163/5-बी- 163/5-सी, 143/1- 143/2- 143/3- 143/4, 142/ए, 145 की बाह्य सीमा के साथ-साथ होते हुए प्लॉट संख्यांक से होते हुए जाती है 147/1ए- 147/1बी- 147/1सी- 147/2ए- 147/2बी- 147/3ए- 147/3 बी-147/4 में से होकर गुजरती है तथा प्लॉट संख्यांक 54/1- 54/2, 53 की बाह्य सीमा के साथ साथ जाती है और बिन्दु 'च' पर मिलती है।
- च - छ : रेखा कन्हान नदी के ग्राम घाटरोहना के पूर्वी तट के किनारे के साथ-साथ जाती है और बिन्दु 'छ' पर मिलती है।
- छ - ज - झ : रेखा ग्राम घाटरोहना के प्लॉट संख्यांक 54/1- 54/2 के बाह्य सीमा के साथ-साथ जाती है और प्लॉट संख्यांक 148/1ए-1-148/1ए- 2-148/1ए-3- 148/1बी- पार करती है और प्लॉट संख्यांक 157/1-ए- 157/1-बी- 157/1-सी-157/1-डी-157/2 में से गुजरती हुई ग्राम जूनी-कामठी से होते हुए प्लॉट संख्यांक 1/1- 1/1ए-1- 1/1ए- 2- 1/2-ए- 1/2-बी- 1/3-1/4- 1/5 में से होकर जाती है और बिन्दु 'झ' पर मिलती है।
- झ - ज - क : रेखा ग्राम जूनी कामठी के प्लॉट संख्यांक 2/ए1- 2/ए2- 2/ए3 के बाह्य सीमा के साथ-साथ जाती है और कन्हान नदी के पूर्वी तट से होती हुई आरंभिक बिन्दु 'क' पर मिलती है।

अनुसूची "क1"**नया गोंडगांव घाटरोहना विस्तार खंड****नागपुर क्षेत्र****जिला नागपुर (महाराष्ट्र)**

(रेखांक सं. सी.-1(ई) III/एफआर/708-0703, तारीख 23 जुलाई, 2003)

सभी अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	घाटरोहना	13	पारसिवनी	नागपुर	27.23	भाग
2.	जूनी-कामठी	13	पारसिवनी	नागपुर	8.63	भाग
3.	विना	16	कामठी	नागपुर	48.10	
कुल क्षेत्र :-					83.96 हेक्टर (लगभग)	
					या	
					207.46 एकड़ (लगभग)	

ग्राम घटरोहना में अर्जित किए जाने वाले प्लॉट संख्यांक :

नदी भाग

ग्राम जूनी—कामठी में अर्जित किए जाने वाले प्लॉट संख्यांक :

नदी भाग

ग्राम बिना में अर्जित किए जाने वाले प्लॉट संख्यांक :

40, 41, 42, 44ए-44बी, 45, 46, 47, 48, 49, नदी भाग

सीमा वर्णन :

- क - ट : रेखा, बिन्दु 'क' से आरम्भ होती है और ग्राम जूनी-कामठी से होकर कन्हान नदी को पार करती हुई ग्राम बिना से गुजरती है तथा कन्हान नदी को पार करती हुई बिन्दु 'ट' पर मिलती है।
- ट - ठ : रेखा ग्राम-बिना से होकर गुजरती है और कन्हान नदी के पश्चिम किनारे के साथ होकर रास्ते के तथा प्लॉट संख्यांक 49, 48, 42, 47, 46, 45, 44ए-44बी की बाह्य सीमा के साथ होकर कन्हान नदी के पश्चिम किनारे के साथ प्लॉट संख्यांक 41, 40 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ठ' पर मिलती है।
- ठ - च : रेखा ग्राम-बिना से होकर कन्हान नदी को पार करती है और ग्राम-घटरोहना से गुजरते हुए कन्हान नदी को पार करती है तथा बिन्दु 'च' पर मिलती है।
- च-छ-ज-क : रेखा कन्हान नदी के ग्राम घटरोहना और जूनी-कामठी के पूर्वी किनारे के साथ-साथ होकर गुजरती है तथा आरंभिक बिन्दु 'क' पर मिलती है।

अनुसूची "ख"

नया गोंडेगांव घटरोहना विस्तार खंड

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

(रेखांक सं. सी.-1(ई) III/एफआर/708-0703, तारीख 23 जुलाई, 2003)

खनन अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	घटरोहना	13	पारसिवनी	नागपुर	3.38	भाग
2.	जूनी-कामठी	13	पारसिवनी	नागपुर	4.74	भाग
कुल क्षेत्र :—					8.12 हेक्टर (लगभग)	
					या	
					20.06 एकड़ (लगभग)	

कुल जोड़ : अनुसूची 'क' + 'क1' = सभी अधिकार

$$76.25 + 83.96 = 160.21 \text{ हेक्टर (लगभग)}$$

$$\text{या } 395.88 \text{ एकड़ (लगभग)}$$

अनुसूची 'ख' = खनन अधिकार

$$= 8.12 \text{ हेक्टर (लगभग)}$$

$$\text{या } 20.06 \text{ एकड़ (लगभग)}$$

ग्राम घटरोहना में अर्जित किए जाने वाले प्लॉट संख्यांक :

148/1ए-1- 148/1ए-2- 148/1ए-3- 148/1बी- 148/1बी-1- 148/2- 148/3 भाग, 156 (नाला) भाग, 157/1-ए- 157/1-बी- 157/1-सी- 157/1-डी- 157/2 भाग।

ग्राम जूनी कामठी में अर्जित किए जाने वाले प्लॉट संख्यांक :

1/1- 1/1ए-1- 1/1ए-2- 1/2-ए- 1/2-बी- 1/3- 1/4- 1/5 भाग, 2/बी।

सीमा वर्णन :

छ-ज-झ : रेखा बिन्दु छ- से आरम्भ होती है और ग्राम घाटरोहना के प्लॉट संख्यांक 148/1ए-1- 148/1ए-2- 148/1ए-3- 148/1बी- 148/1बी-1- 148/2- 148/3 में से होकर गुजरती है तथा प्लॉट संख्यांक 156 नाला से पार करती है और प्लॉट संख्यांक 157/1- ए- 157/1-बी- 157/1सी- 157/1-डी- 157/2 से होते हुए ग्राम जूनी कामठी के प्लॉट संख्यांक 1/1- 1/1ए-1- 1/1ए-2- 1/2-ए- 1/2-बी- 1/3- 1/4- 1/5 में से जाती है तथा बिन्दु 'झ' पर मिलती है।

झ-ज-छ : रेखा ग्राम जूनी कामठी से होकर प्लॉट संख्यांक 2/ए1- 2/ए2- 2/ए3 की बाह्य सीमा के साथ-साथ कन्हान नदी के पूर्वी किनारे से होते हुए जाती है, फिर ग्राम जूनी-कामठी और घाटरोहन से होते हुए कन्हान नदी के पूर्वी किनारे के साथ-साथ जाती है और आरंभिक बिन्दु 'छ' पर मिलती है।

[सं. 43015/12/2002-पी०आर०आई०डब्ल्यू०]

संजय बहादुर, निदेशक

New Delhi, the 12th February, 2004

S.O. 399.—Whereas by the notification of the Government of India in the then Ministry of Coal and Mines (Department of Coal) No. S.O. 11 dated the 24th December, 2002 issued under Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th January, 2003 at pages 7 to 8, the Central Government gave notice of its intention to prospect for coal in 190.00 hectares (approximately) or 469.50 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands described in the schedules appended to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire—

- (a) all rights in or over the lands measuring 160.21 hectares (approximately) or 395.88 acres (approximately) described in Schedule "A" and 'A1' appended hereto;
- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 8.12 hectares (approximately) or 20.06 acres (approximately) described in Schedule "B" appended hereto;

Note 1 : The plan bearing No. C-1(E) III/FR/708-0703 dated the 23rd July, 2003 of the area covered by this notification may be inspected in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata (Pin 700 001) or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

Note 2 : Attention is hereby invited to the provisions of Section 8 of the aforesaid Act which provides as follows :—

"8 Objections to acquisition.—

- (1) Any person interested in any land in respect of which a notification under Section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

- (2) Every objection under Sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under Sub-section (1) of Section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of proceedings held by him, for the decision of that Government.

- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3 : The Coal Controller, 1, Council house Street, Kolkata-700 001, has been appointed by the Central Government as the competent authority under the Act, vide notification number S.O. 2519 dated the 27th May, 1983, published in Part-II, Section 3, Sub-section (ii) of the Gazette of India, dated the 11th June, 1983.

Schedule 'A'

New Gondagaon - Ghatrohana Extension Block

Nagpur Area, District Nagpur (Maharashtra)

(Plan No. C-I(E) III/FR/708-0703 dated the 23rd July, 2003).

All Rights

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	Ghatrohana	13	Parseoni	Nagpur	62.83	Part
2	Juni-Kamptee	13	Parseoni	Nagpur	13.42	Part

Total area : 76.25 hectares (approximately)

or 188.41 acres (approximately)

Plot numbers to be acquired in village Ghatrohana :

53, 54/1-54/2, 142/A, 143/1-143/2-143/3-143/4, 145, 147/1A-147/1B-147/1C-147/2A-147/2B-147/3A-147/3B-147/4 part, 148/1A-1-148/1A-2-148/1A-3-148/1B-148/1B-1-148/2-148/3 part, 149/1-149/2-149/3-149/4-149/5, 150/1-A-150/1-B-150/2-A-150/2-B, 151/1-151/2-151/3-151/4-151/5-151/6, 154/1-A-154/1-B-154/2-A-1-154/2-A-2-154/3B, 155, 156 (nallah) part, 157/1-A-157/1-B-157/1-C-157/1-D-157/2 part, 162/1-A-162/1-B-162/2, 163/1-163/2-163/3-163/4-A-163/4-B-163/5-A-163/5-B-163/5-C.

Plot numbers to be acquired in village Juni-Kamptee :

1/1-1/1A-1-1/1A-2-1/2-A-1/2-B-1/3-1/4-1/5 part, 2/A1-2/A2-2/A3, 6 part.

Boundary description :

- A - B : Line starts from point 'A' and passes through village Juni-Kamptee and passes along the outer boundary of plot number 2/A1-2/A2-2/A3 and meets at point 'B'.
- B - C : Line passes through village Juni-Kamptee along the outer boundary of plot numbers 2/A1-2/A2-2/A3, 1/1-1/1A-1-1/1A-2-1/2-A-1/2-B-1/3-1/4-1/5 then passes through plot number 6 and meets at common village boundary of villages Juni-Kamptee and Ghatrohana at point 'C'.
- C - D : Line passes through village Ghatrohana along the outer boundary of plot numbers 157/1-A-157/1-B-157/1-C-157/1-D-157/2, then crosses plot number 156 (nallah) and passes along the outer boundary of plot numbers 155, 154/1-A-154/1-B-154/2A-1, 154/2A-2-154/3-B, 151/1-151/2-151/3-151/4-151/5-151/6, 143/1-143/2-143/3-143/4, 162/1-A-162/1-B-162/2, 163/1-163/2-163/3-163/4-A-163/4-B-163/5-A-163/5-B-163/5-C and meets at point 'D'.
- D-E-F : Line passes through village Ghatrohana along the outer boundary of plot numbers 163/1-163/2-163/3-163/4-A-163/4-B-163/5-A-163/5-B-163/5-C, 143/1-143/2-143/3-143/4, 142/A, 145 then through plot number 147/1A-147/1B-147/1C-147/2A-147/2B-147/3A-147/3B-147/4 and passes along the outer boundary of plot numbers 54/1-54/2, 53 and meets at point 'F'.
- F - G : Line passes along the Eastern Bank of Kanhan River of village Ghatrohana and meets at point 'G'.
- G-H-I : Line passes through village Ghatrohana along the outer boundary of plot number 54/1-54/2, through plot number 148/1A-1-148/1A-2-148/1A-3-148/1B-148/1B-1-148/2-148/3 and crosses 156 (nallah), then through plot number 157/1-A-157/1-B-157/1-C-157/1-D-157/2 and proceeds through village Juni-Kamptee and passes through plot number 1/1-1/1A-1-1/1A-2-1/2-A-1/2-B-1/3-1/4-1/5 and meets at point 'I'.
- I-J-A : Line passes through village Juni-Kamptee along the outer boundary of plot number 2/A1-2/A2-2/A3 and passes along the Eastern Bank of Kanhan River and meets at starting point 'A'.

Schedule 'A1'**New Gondgaon-Ghatrohana Extension Block
Nagpur Area, District Nagpur (Maharashtra)**

(Plan No. C-1(E)III/FR/708-0703 dated the 23rd July, 2003)

All Rights

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	Ghatrohana	13	Parseoni	Nagpur	27.23	Part
2	Juni-Kamptee	13	Parseoni	Nagpur	8.63	Part
3	Bina	16	Kamptee	Nagpur	48.10	Part

**Total area : 83.96 hectares (approximately)
or 207.66 acres (approximately)**

Plot numbers to be acquired in village Ghatrohana :

River Part.

Plot numbers to be acquired in village Juni-Kamptee :

River Part.

Plot numbers to be acquired in village Bina :

40, 41, 42, 44A-44B, 45, 46, 47, 48, 49, River Part.

Boundary description :

A - K : Line starts from point 'A' and passes through village Juni-Kamptee, crosses Kanhan River and then passes through village Bina crosses Kanhan River and meets at point 'K'.

K - L : Line passes through village Bina and passes along the Western Bank of Kanhan River then passes along the outer boundary of plot numbers 49, 48, 42, 47, 46, 45, 44A-44B and proceeds along the Western Bank of Kanhan River, then along the outer boundary of plot numbers 41, 40 then proceeds along the Western Bank of Kanhan River and meets at point 'L'.

L - F : Line passes through village bina crosses Kanhan River and passes through village Ghatrohana, crosses Kanhan River and meets at point 'F'.

F-G-I-A : Line passes along the Eastern Bank of Kanhan River of villages Ghatrohana and Juni-Kamptee and meets at starting point 'A'.

Schedule 'B'**New Gondgaon-Ghatrohana Extension Block
Nagpur Area, District Nagpur (Maharashtra)**

(Plan No. C-1 (E) III/FR/708-0703 dated the 23rd July, 2003).

Mining Rights

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	Ghatrohana	13	Parseoni	Nagpur	3.38	Part
2	Juni-Kamptee	13	Parseoni	Nagpur	4.74	Part

**Total area : 8.12 hectares (approximately)
or 20.06 acres (approximately)**

Grand Total—Schedule A + A1 = All Rights
 76.25 + 83.96 = 160.21 hectares (approximately)
 or
 395.88 acres (approximately)
Schedule B = Mining Rights
 8.12 hectares (approximately) or 20.06
 acres (approximately)

Plot numbers to be acquired in village Ghatrohana :

148/1A-1, 148/1A-2, 148/1A-3, 148/1B, 148/1B-1, 148/2, 148/3 part, 156 (nallah) part, 157/1-A, 157/1-B, 157/1-C, 157/1-D, 157/2 part.

Plot numbers to be acquired in village Juni-Kamptee :

1/1-1/1A-1- 1/1A-2- 1/2-A- 1/2-B- 1/3- 1/4- 1/5 part, 2/B.

Boundary description :

- G-H-I: Line starts from point 'G' and passes through plot numbers 148/1A-1, 148/1A-2, 148/1A-3, 148/1B, 148/1B-1, 148/2, 148/3 then crosses plot number 156 (nallah), then through plot number 157/1-A- 157/1-B- 157/1-C- 157/1-D- 157/2 of village Ghatrohana then through plot number 1/1- 1/1A-1- 1/1A-2- 1/2-A- 1/2-B- 1/3- 1/4- 1/5 of village Juni-Kamptee and meets at point I.
- I-J-G: Line passes through village Juni -Kamptee and proceeds along the outer boundary of plot numbers 2/A1- 2/A2- 2/A3 then proceeds along the Eastern Bank of Kanhan River of village Juni-Kamptee and Ghatrohana and meets at starting point 'G'.

[No. 43015/12/2002/PRIW]

SANJAY BAHADUR, Director,

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 फरवरी, 2004

का. आ. 400.—तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा 3 की उप-धारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 5 फरवरी, 2004 (पूर्वाह्न) से उनके कार्यकाल की शेष अवधि अर्थात् 31-3-2005 तक या अगले आदेश होने तक या इनमें से जो भी पहले लागू हो, श्री बी.साम बाब, आई.ए.एस. (एपी : 83) निदेशक, पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय को तेल उद्योग विकास बोर्ड का सचिव नियुक्त करती है।

[सं. जी-35012/2/2003-वित्त II]

के. पी. के. नाम्बिसन, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 5th February, 2004

S.O. 400.—In exercise of the powers conferred by clause (e) of Sub-Section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), Government of India hereby appoints Shri B. Sam Bob, IAS (AP:83) Director, Ministry of Petroleum and Natural Gas as Secretary, Oil Industry Development Board with effect from forenoon of 5th February, 2004 for the balance period of his tenure i.e. upto 31-3-2005 or until further orders, whichever event takes place earlier.

[No. G-35012/2/2003-FIN.-II]

K. P. K. NAMBISSAN, Under Secy.

नई दिल्ली, 13 फरवरी, 2004

का.आ. 401.—जबकि केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि असम राज्यिक विद्युत परिषद् के नामरूप ताप विद्युत केन्द्र, जिला डिब्रूगढ़, असम से प्राकृतिक गैस की आपूर्ति के लिये नागामाटी खेरेमीया गाँव से दुवनियाँ गाँव और ए.एस.सी.बी. का एन.टी.पी.एस. से बी.वी.एफ.सी.एल. का नामरूप फैक्टरी तक असम गैस कम्पनी लिमिटेड, दुलियाजान द्वारा पाइपलाइन बिछायी जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए इसके साथ उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब, पेट्रोलियम (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित करती है।

उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिये आपत्ति और सुझाव सक्षम अधिकारी नामतः जिला उपायुक्त डिब्रूगढ़, असम को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकता है।

और ऐसी आपत्ति और सुझाव देने वाला हर व्यक्ति यह भी बताएगा कि क्या वह अपनी सुनवाई व्यक्तिगत रूप से चाहता है अथवा किसी विधि व्यवसायी के माध्यम से।

अनुसूची

राज्य : असम		जिला : डिब्रूगढ़		मौजा : जयपुर		
क्रम	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल		टिप्पणी
नं.				बीघा	कट्टा	लूसा
1	2	3	4	5	6	7
1.	नगामाटी खैरेमीया	एकसना	139	0	1	13
		सरकारी	144	0	0	4
		मियादी नं. 1	413	0	0	4
		मियादी नं. 1	416	1	0	17
		मियादी नं. 1	418	0	2	4
		मियादी नं. 1	419	0	0	4
		मियादी नं. 1	421	0	1	9
		मियादी नं. 1	422	0	2	11
		मियादी नं. 1	423	0	2	17
		मियादी नं. 1	424	0	0	18
		मियादी नं. 1	425	0	4	1
		मियादी नं. 1	426	0	2	19
		मियादी नं. 1	427	0	0	4
		मियादी नं. 1	428	0	0	18
		एकसना	312	0	1	17
		मियादी नं. 77	162	0	1	9
		सरकारी	163	0	0	6
		मियादी नं. 98	164	0	1	19
		मियादी नं. 13	165	0	1	9
		मियादी नं. 122	166	0	3	10
		मियादी नं. 87	172	1	2	18
		मियादी नं. 50	173	0	0	10
		एकसना	174	0	0	6
		कुल क्षेत्र		9	0	7
2. नं. 1 डाठनीया	गाँव	एकसना	415	0	0	3
		मियादी नं. 104	180	0	4	4
		मियादी नं. 148	181	0	1	4
		मियादी नं. 156	182	0	1	14
		एकसना	183	0	0	18
		मियादी नं. 156	184	0	0	9
		सरकारी	186	0	1	13
		मियादी नं. 148	191	0	1	6
		मियादी नं. 40	196	0	2	17
		सरकारी	197	0	0	11
		मियादी नं. 86	198	0	1	9
		सरकारी	199	0	0	6
		मियादी नं. 86	246	0	2	18
		मियादी नं. 8	247	0	1	6
		मियादी नं. 17	204	0	0	18
		मियादी नं. 57	299	1	0	6
		मियादी नं. 16	300	0	2	11
		मियादी नं. 27	318	0	1	4
		मियादी नं. 121	320	0	2	9
		मियादी नं. 175	321	1	0	13
		मियादी नं. 5	322	0	0	2
		सरकारी	323	0	0	7
		मियादी नं. 161	235	0	4	0
		एकसना	400	0	4	5
		मियादी नं. 183	421	0	0	4
		मियादी नं. 119	205	1	1	12
		मियादी नं. 33	206	0	1	0

1	2	3	4	5	6	7
2. नं. 1 डाठनीया	गाँव	मियादी नं. 129	207	0	2	18
		मियादी नं. 82	200	0	1	2
		मियादी नं. 35	234	0	1	4
		सरकारी	317	0	0	2
		मियादी नं. 16	301	0	0	12
		मियादी नं. 5	302	0	0	5
		एकसना	399	0	0	2
		सरकारी	137	0	1	14
		सरकारी	237	0	0	6
		कुल क्षेत्र		12	3	14
3	दिल्ली चाय बागान	313 एन.एल.आर(सी)	21	0	1	11
	313 नं. एन.एल.आर	313 एन.एल.आर(सी)	22	0	1	15
		313 एन.एल.आर(सी)	23	0	1	13
		313 एन.एल.आर(सी)	26	0	0	10
		313 एन.एल.आर(सी)	29	0	0	2
		313 एन.एल.आर(सी)	30	0	1	15
		313 एन.एल.आर(सी)	31	0	1	13
		313 एन.एल.आर(सी)	32	0	1	7
		313 एन.एल.आर(सी)	33	0	1	16
		313 एन.एल.आर(सी)	34	0	0	2
		313 एन.एल.आर(सी)	20	0	0	2
		313 एन.एल.आर(सी)	177	0	0	2
		कुल क्षेत्र		2	2	8
4.	पानी डोरिया नगा	एकसना	409	0	0	10
	गाँव	सरकारी	408	0	2	8
		एकसना	404	0	0	10
		एकसना	406	0	0	18
		एकसना	399	0	0	10
		सरकारी	398	0	3	2
		एकसना	403	0	2	8
		एकसना	407	0	2	8
		कुल क्षेत्र		2	2	14
5.	सैकिय गाँव	मियादी नं. 49	42	0	4	12
		मियादी नं. 62	43	0	2	0
		मियादी नं. 63	45	0	1	17
		मियादी नं. 62	46	0	0	15
		सरकारी	31	0	0	7
		मियादी नं. 87	40	0	1	4
		एकसना	56	0	1	17
		एकसना	57	0	0	10
		एकसना	59	0	2	8
		मियादी नं. 83	61	1	0	10
		मियादी नं. 19	99	0	4	8
		मियादी नं. 27	62	0	3	2
		एकसना	101	0	0	18
		सरकारी	102	0	2	0
		सरकारी	104	0	1	11
		एकसना	112	0	0	10
		मियादी नं. 36	50	0	0	10
		कुल क्षेत्र		6	3	19

[फा. सं. ओ-12016/11/2000-ओएनजी.(डी-IV)]

एन. सी. जाखुप, अवर सचिव

New Delhi, the 13th February, 2004

S.O. 401.—Whereas it appears to the Central Government that it is necessary in the public interest for supply of natural gas to the Namrup Thermal Power Station of Assam State Electricity Board in the District of Dibrugarh, Assam pipeline should be laid from Nagamati Kheremia to Downia gaon and NTPS of ASEB to Factory of M/s BVFCL by Assam Gas Company Limited, Duliagan.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the Right of User in Land described in the schedule annexed hereto.

Now, therefore in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the said land may within 21 days from the date of this notification send objections and suggestions to the laying of the pipeline under the land to the competent authority, namely the Deputy Commissioner, Dibrugarh District, Assam.

And every person making such objections and suggestion may also state whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Sl. No.	Name of Village	Patta No.	DAG No.	Area			Remarks
				B	K	L	
1	Nagamati Kheremia gaon	Annual	139	0	1	13	
		Waste Land	144	0	0	4	
		P.P. No. 1	415	0	0	4	
		P.P. No. 1	416	1	0	17	
		P.P. No. 1	418	0	2	4	
		P.P. No. 1	419	0	0	4	
		P.P. No. 1	421	0	1	9	
		P.P. No. 1	422	0	2	11	
		P.P. No. 1	423	0	2	17	
		P.P. No. 1	424	0	0	18	
		P.P. No. 1	425	0	4	1	
		P.P. No. 1	426	0	2	19	
		P.P. No. 1	427	0	0	4	
		P.P. No. 1	428	0	0	18	
		Annual	312	0	1	17	
		P.P. No. 77	162	0	1	9	
		Waste Land	163	0	0	6	
		P.P. No. 98	164	0	1	19	
		P.P. No. 13	165	0	1	9	
		P.P. No. 122	166	0	3	10	
		P.P. No. 87	172	1	2	18	
		P.P. No. 50	173	0	0	10	
		Annual	174	0	0	6	
Total Area				9	0	7	

Sl. No.	Name of Village	Patta No.	DAG No.	Area			Remarks
				B	K	L	
2	No. 1 Downia gaon	Annual	415	0	0	3	
		P.P. No. 104	180	0	4	4	
		P.P. No. 148	181	0	1	4	
		P.P. No. 156	182	0	1	14	
		Annual	183	0	0	18	
		P.P. No. 156	184	0	0	9	
		Waste Land	186	0	1	13	
		P.P. No. 148	191	0	1	6	
		P.P. No. 40	196	0	2	17	
		Waste Land	197	0	0	11	
		P.P. No. 86	198	0	1	9	
		Waste Land	199	0	0	6	
		P.P. No. 86	246	0	2	18	
		P.P. No. 8	247	0	1	6	
		P.P. No. 17	204	0	0	18	
		P.P. No. 57	299	1	0	6	
		P.P. No. 16	300	0	2	11	
		P.P. No. 27	318	0	1	4	
		P.P. No. 121	320	0	2	9	
		P.P. No. 175	321	1	0	13	
		P.P. No. 5	322	0	0	2	
		Waste Land	323	0	0	7	
		P.P. No. 161	235	0	4	0	
		Annual	400	0	4	5	
		P.P. No. 183	421	0	0	4	
		P.P. No. 119	205	1	1	12	
		P.P. No. 33	206	0	1	0	
		P.P. No. 129	207	0	2	18	
		P.P. No. 82	200	0	1	2	
		P.P. No. 35	234	0	1	4	
		Waste Land	317	0	0	2	
		P.P. No. 16	301	0	0	12	
		P.P. No. 5	302	0	0	5	
		Annual	399	0	0	2	
		Waste Land	137	0	1	14	
		Waste Land	237	0	0	6	
TOTAL AREA				12	3	14	
3	Dilli T.E. 313	313 N.L.R.(C)	21	0	1	11	
	No. N.L.R.	313 N.L.R.(C)	22	0	1	15	
		313 N.L.R.(C)	25	0	1	13	
		313 N.L.R.(C)	26	0	0	10	
		313 N.L.R.(C)	29	0	0	2	
		313 N.L.R.(C)	30	0	1	15	
		313 N.L.R.(C)	31	0	1	13	

Sl. No.	Name of Village	Patta No.	DAG No.	Area			Remarks
				B	K	L	
	Delli T. E.	313 N.L.R.(C)	32	0	1	7	
	313 No.	313 N.L.R.(C)	33	0	1	16	
	N.L.R.	313 N.L.R.(C)	34	0	0	2	
		313 N.L.R.(C)	20	0	0	2	
		313 N.L.R.(C)	177	0	0	2	
		TOTAL AREA		2	2	8	
4	Pani Downia	Annual	409	0	0	10	
	Naga gaon	Waste Land	408	0	2	8	
		Annual	404	0	0	10	
		Annual	406	0	0	18	
		Annual	399	0	0	10	
		Waste Land	398	0	3	2	
		Annual	403	0	2	8	
		Annual	407	0	2	8	
		TOTAL AREA		2	2	14	
5. Saikya gaon	P.P. No. 49		42	0	4	12	
	P.P. No. 62		43	0	2	0	
	P.P. No. 63		45	0	1	17	
	P.P. No. 62		46	0	0	15	
	Waste Land		31	0	0	7	
	P.P. No. 87		40	0	1	4	
	Annual		56	0	1	17	
	Annual		57	0	0	10	
	Annual		59	0	2	8	
	P.P. No. 83		61	1	0	10	
	P.P. No. 19		99	0	4	8	
	P.P. No. 27		62	0	3	2	
	Annual		101	0	0	18	
	Waste Land		102	0	2	0	
	Waste Land		104	0	1	11	
	Annual		112	0	0	10	
	P.P. No. 36		50	0	0	10	
		TOTAL AREA		6	3	19	

[F.No. O-12016/11/2000-ONG(D-IV)]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 13 फरवरी, 2004

का०आ० 402.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का०आ० 1919 तारीख 12 जुलाई, 2003 द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी,

और संलग्न प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है,

अतः अब, केन्द्रीय सरकार अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए घोषणा करती है कि पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लंगनों से मुक्त, असम गैस कंपनी लि० में होगा।

अनुसूची

राज्य : असम		जिला : डिब्रूगढ़		मौजा : खेरमिया		
क्रम नं.	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल		टिप्पणी
				बीघा	कट्टा	वृत्त
1.	चलाकटकी नं. 1	मियादी पट्टा नं. 78	296	0	3	17
		मियादी पट्टा नं. 52	298	0	1	7.5
		मियादी पट्टा नं. 52	299	0	1	15
		सरकारी	307	0	0	6
		मियादी पट्टा नं. 85	302	0	2	11
		एकसना	201	0	4	2
		एकसना	304	0	0	17
		एकसना	320	0	2	7
		एकसना	321	0	2	19
		मियादी पट्टा नं. 81	346	0	0	13
		एकसना	347	0	2	0
		कुल क्षेत्रफल		4	2	14.5
2.	चलाकटकी नं. 2	सरकारी	104	1	0	6
		सरकारी	103	2	0	9
		सरकारी	101	0	3	13
		सरकारी	102	0	0	18
		कुल क्षेत्रफल		4	0	6
3.	जागुन पथार नं. 1	सरकारी	14	0	0	11
		सरकारी	17	0	0	11
		सरकारी	18	0	0	11
		सरकारी	19	1	4	17
		एकसना	2	0	2	6
		एकसना	27	0	2	6
		कुल क्षेत्रफल		4	0	6

क्रम नं.	गांव का नाम	पट्टा नं.	दांग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्ठा	लूसा	
3.	जागुन पथार नं. 1 (जारी)	मियादी पट्टा नं. 33	28	0	1	17	
		सरकारी	29	0	2	19	
		मियादी पट्टा नं. 10	42	0	0	10	
		सरकारी	20	0	0	15	
		सरकारी	21	0	0	11	
		कुल क्षेत्रफल	4	2	14		
4.	जागुन पथार नं. 2	सरकारी	38	0	1	6	
		सरकारी	13	0	1	17	
		मियादी पट्टा नं. 16	23	0	0	11	
		एकसना नं. 7	24	0	1	0	
		एकसना नं. 26	25	0	1	2	
		सरकारी	26	0	2	15	
		सरकारी	31	0	1	2	
		मियादी पट्टा नं. 36	37	1	0	10	
		मियादी पट्टा नं. 2	41	1	0	10	
		मियादी पट्टा नं. 2	61	0	1	17	
		मियादी पट्टा नं. 13	91	1	0	6	
		मियादी पट्टा नं. 13	95	0	0	11	
		मियादी पट्टा नं. 1	129	0	0	4	
		सरकारी	130	0	0	4	
		सरकारी	131	0	1	17	
		मियादी पट्टा नं. 13	132	0	0	19	
		मियादी पट्टा नं. 1	135	0	0	4	
		सरकारी	136	0	1	9	
		सरकारी	137	0	1	2	
		सरकारी	141	0	0	9	
		एकसना नं. 7	140	0	0	18	
		एकसना नं. 7	189	0	0	18	
		एकसना नं. 7	191	0	1	0	
		एकसना नं. 7	190	0	1	0	
		सरकारी	77	0	0	18	
		कुल क्षेत्रफल	7	4	9		
5.	हांजुवा पथार	सरकारी	17	0	0	10	
		सरकारी	18	0	0	10	
		सरकारी	19	0	0	15	
		सरकारी	27	0	1	4	
		सरकारी	28	0	2	17	
		सरकारी	29	0	3	1	
		सरकारी	30	0	1	6	

क्रम नं.	गांव का नाम	पट्टा नं.	दांग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्ठा	लूसा	
5.	हांजुवा पथार (जारी)	सरकारी	31	0	1	6	
		सरकारी	32	0	1	6	
		सरकारी	33	0	1	8	
		सरकारी	34	0	1	6	
		सरकारी	35	0	1	8	
		सरकारी	36	0	1	2	
		सरकारी	37	0	0	15	
		सरकारी	38	0	0	12	
		सरकारी	39	0	1	6	
		सरकारी	40	0	0	18	
		सरकारी	41	0	1	2	
		सरकारी	42	0	1	6	
		सरकारी	45	0	0	15	
		सरकारी	46	0	0	11	
		सरकारी	44	3	2	1	
		सरकारी	47	0	0	9	
		सरकारी	48	0	0	11	
		सरकारी	49	0	0	15	
		सरकारी	50	0	0	11	
		सरकारी	51	0	0	9	
		सरकारी	52	0	0	15	
		सरकारी	53	0	0	13	
		सरकारी	54	0	1	1	
		कुल क्षेत्रफल	9	2	9		
6.	गेधुपथार प्रथम खण्ड	एकसना	97	0	4	19	
		एकसना	98	0	0	7	
		एकसना	100	0	0	4	
		एकसना	179	1	4	18	
		एकसना	191	0	0	4	
		एकसना	197	1	2	14	
		एकसना	194	0	1	17	
		मियादी पट्टा नं.	195	0	1	13	
		एकसना	196	0	2	4	
		सरकारी	193	0	1	17	
		एकसना	198	0	2	11	
		सरकारी	147	0	0	18	
		एकसना	641	1	2	7	
		एकसना	178	0	0	15	
		कुल क्षेत्रफल	8	2	12		

क्रम	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल	टिप्पणी
नं.				बीघा कट्टा लूसा	
7.ए	गेधुपथार द्वितीय खण्ड	मियादी पट्टा नं. 25	619	0	2 10
		मियादी पट्टा नं. 31	621	0	0 2
		एकसना	620	0	0 2
		मियादी पट्टा नं. 11	566	0	3 6
		मियादी पट्टा नं. 73	565	0	1 17
		एकसना	554	0	1 17
		एकसना	555	0	1 17
		एकसना	495	0	0 9
		मियादी पट्टा नं. 66	496	0	3 15
		मियादी पट्टा नं. 21	486	0	4 14
		एकसना	487	0	0 2
		मियादी पट्टा नं. 34	480	0	1 13
		सरकारी	494	0	2 0
		एकसना	473	0	2 0
		मियादी पट्टा नं. 5	474	0	0 18
		मियादी पट्टा नं. 105	475	0	1 1
		मियादी पट्टा नं. 68	476	0	0 8
		मियादी पट्टा नं. 5	380	0	2 5
		मियादी पट्टा नं. 39	379	0	1 19
		सरकारी	308	0	3 8
		मियादी पट्टा नं. 60	307	0	1 13
		सरकारी	293	0	1 7
		सरकारी	280	0	0 7
		सरकारी	281	0	0 10
		मियादी पट्टा नं. 13	547	0	0 2
		मियादी पट्टा नं. 25	375	0	4 8
		मियादी पट्टा नं. 46	298	1	2 12
		मियादी पट्टा नं. 8	378	0	0 15
		कुल क्षेत्रफल	10	2	19
7.बी	गेधुपथार द्वितीय खण्ड	मियादी पट्टा नं. 62	478	0	1 19
		मियादी पट्टा नं. 68	477	0	1 13
		सरकारी	494	0	3 2
		मियादी पट्टा नं. 34	480	0	0 7
		कुल क्षेत्रफल	1	2	1
8.ए	नगाँव डाडूमिया	मियादी पट्टा नं. 59	250	0	1 17
		मियादी पट्टा नं. 58	251	2	0 2
		मियादी पट्टा नं. 4	252	0	2 0
		सरकारी	253	0	0 4
		मियादी पट्टा नं. 43	254	0	1 19
		कुल क्षेत्रफल	3	2	2
8.बी	नगाँव डाडूमिया	सरकारी	3	0	0 10
		सरकारी	4	0	0 8
		सरकारी	6	0	0 10
		मियादी पट्टा नं. 11	8	0	4 1
		मियादी पट्टा नं. 80	9	0	1 13
		मियादी पट्टा नं. 56	20	0	0 3
		मियादी पट्टा नं. 56	21	0	1 17
		मियादी पट्टा नं. 72	22	0	0 3
		मियादी पट्टा नं. 24	23	0	1 17
		मियादी पट्टा नं. 50	24	0	2 4
		मियादी पट्टा नं. 62	25	0	2 15
		सरकारी	26	0	0 15
		मियादी पट्टा नं. 54	28	0	1 2
		सरकारी	37	0	1 2
		मियादी पट्टा नं. 56	38	0	3 10
		मियादी पट्टा नं. 82	41	0	0 19
		एकसना	42	0	1 13
		मियादी पट्टा नं. 98	45	0	0 15
		मियादी पट्टा नं. 56	44	0	2 18
		एकसना	43	0	2 4
		कुल क्षेत्रफल	6	0	19
9.	रंगाली पथार	सरकारी	45	0	1 0
		एकसना	47	0	0 6
		सरकारी	48	0	0 4
		एकसना	49	0	1 6
		सरकारी	50	0	1 8
		मियादी पट्टा नं. 84	58	0	4 1
		मियादी पट्टा नं. 84	59	0	1 6
		मियादी पट्टा नं. 136	173	0	3 6
		कुल क्षेत्रफल	2	2	17
10.	लेंगरीजान चाय बगीचा	मियादी पट्टा	1	0	0 10
		मियादी पट्टा	2	0	4 12
		मियादी पट्टा	4	0	0 6
		सरकारी	144	0	0 5
		सरकारी	138	0	0 9
		सरकारी	143	2	0 19
		सरकारी	145	0	0 10
		कुल क्षेत्रफल	3	-2	11

क्रम नं.	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्ठा	लूना	
11. (ए) बालीजान माझी	मियादी पट्टा नं. 45	52	0	0	13		
गांव	मियादी पट्टा नं. 26	62	0	4	12		
	मियादी पट्टा नं. 7	63	0	0	10		
	सरकारी	69	0	1	2		
	सरकारी	70	0	1	0		
	मियादी पट्टा नं. 37	74	0	0	2		
	मियादी पट्टा नं. 24	76	0	0	17		
	एकसना	84	0	1	7		
	मियादी पट्टा नं. 43	88	0	3	19		
	मियादी पट्टा नं. 12	89	0	2	15		
	सरकारी	93	1	1	3		
	सरकारी	109	0	0	18		
	मियादी पट्टा नं. 23	87	0	0	9		
	कुल क्षेत्रफल		5	4	7		
11. (बी) बालीजान माझी	मियादी पट्टा नं. 7	63	0	3	6		
गांव	मियादी पट्टा नं. 26	62	0	3	19		
	मियादी पट्टा नं. 21	60	0	2	4		
	मियादी पट्टा नं. 22	59	0	2	0		
	मियादी पट्टा नं. 20	58	0	2	2		
	मियादी पट्टा नं. 24	57	0	2	4		
	मियादी पट्टा नं. 18	56	0	2	0		
	कुल क्षेत्रफल		3	3	15		
12. बालीजान चाय	एन.आर.एल. नं. 294	1	2	2	11		
बगीचा सत्य-	एन.आर.एल. नं. 294	6	0	3	13		
नारायण टी.	एन.आर.एल. नं. 294	10	0	0	5		
कम्पनी लिमिटेड,	एन.आर.एल. नं. 294	17	0	0	5		
ग्रान्ट नं. 294	एन.आर.एल. नं. 294	18	2	1	12		
एन.आर.एल.	एन.आर.एल. नं. 294	20	0	0	5		
	कुल क्षेत्रफल		5	3	11		
13. बालीजान चाय	सरकारी	25	0	0	16		
बगीचा सत्य-	चाय मियादी पट्टा नं. 1	28	0	0	13		
नारायण टी.	मियादी पट्टा नं. 1	29	0	1	19		
कम्पनी लिमिटेड,							
डब्ल्यू. एल.							
आवेदन नं. 4,							
1921/22 प्रथम							
खण्ड एवं द्वितीय							
खण्ड							
	कुल क्षेत्रफल		0	3	8		
14. डीघला सोनोवाल	मियादी पट्टा नं. 6	14	0	3	15		
	मियादी पट्टा नं. 25	15	0	3	15		
	मियादी पट्टा नं. 13	16	0	0	18		

क्रम नं.	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्ठा	लूना	
14. डीघला सोनोवाल	मियादी पट्टा नं. 45	17	0	0	18		
जारी	मियादी पट्टा नं. 20	18	0	1	6		
	मियादी पट्टा नं. 22	19	0	0	18		
	मियादी पट्टा नं. 39	28	0	1	9		
	मियादी पट्टा नं. 11	27	0	1	8		
	मियादी पट्टा नं. 3	26	0	1	4		
	मियादी पट्टा नं. 47	25	0	1	4		
	मियादी पट्टा नं. 31	24	0	3	10		
	एकसना	92	0	0	17		
	एकसना	93	0	0	9		
	मियादी पट्टा नं. 12	94	0	0	9		
	एकसना	95	0	0	13		
	मियादी पट्टा नं. 14	96	0	0	13		
	मियादी पट्टा नं. 20	99	0	0	13		
	मियादी पट्टा नं. 10	100	0	0	17		
	मियादी पट्टा नं. 26	101	0	0	17		
	मियादी पट्टा नं. 21	102	0	0	17		
	मियादी पट्टा नं. 2	103	0	1	6		
	मियादी पट्टा नं. 35	104	0	1	11		
	मियादी पट्टा नं. 17	105	0	1	1		
	मियादी पट्टा नं. 48	107	0	2	8		
	मियादी पट्टा नं. 15	108	0	1	6		
	मियादी पट्टा नं. 46	109	0	3	17		
	मियादी पट्टा नं. 15	110	0	2	17		
	मियादी पट्टा नं. 19	111	0	1	16		
	सरकारी	170	0	0	7		
	एकसना	175	0	0	8		
	मियादी पट्टा नं. 8	176	0	1	8		
	मियादी पट्टा नं. 28	177	0	3	13		
	मियादी पट्टा नं. 28	178	0	1	14		
	मियादी पट्टा नं. 15	180	0	1	9		
	मियादी पट्टा नं. 46	185	0	3	12		
	सरकारी	1	0	0	7		
	कुल क्षेत्रफल		11	1	0		
15. नं. 1 बालीजान	सरकारी	5	0	0	18		
	सरकारी	6	0	0	11		
	सरकारी	7	0	0	7		
	सरकारी	8	0	0	11		
	सरकारी	9	0	0	7		
	सरकारी	10	0	0	11		

क्रम नं.	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्ठा	रुस	
15.	नं. 1 बालीजान (जारी)	मियादी पट्टा नं. 24	16	0	4	15	
		मियादी पट्टा नं. 33	56	0	3	13	
		मियादी पट्टा नं. 3	84	0	2	13	
		एकसना	11	0	2	15	
		मियादी पट्टा नं. 53	12	0	0	18	
		मियादी पट्टा नं. 76	13	0	0	6	
		एकसना	14	0	0	9	
		कुल क्षेत्रफल		4	3	14	
16.	नं. 1 पोवाली पथार	सरकारी	203	0	1	8	
		सरकारी	202	0	0	7	
		सरकारी	201	0	0	7	
		सरकारी	200	0	0	7	
		मियादी पट्टा नं. 21	175	0	1	17	
		सरकारी	176	1	1	3	
		मियादी पट्टा नं. 22	177	0	0	6	
		मियादी पट्टा नं. 42	143	1	1	14	
		मियादी पट्टा नं. 3	98	1	2	1	
		मियादी पट्टा नं. 19	97	0	3	13	
		मियादी पट्टा नं. 43	83	0	3	2	
		मियादी पट्टा नं. 25	79	1	4	0	
		मियादी पट्टा नं. 25	80	0	0	5	
		मियादी पट्टा नं. 11	81	0	0	4	
		सरकारी	39	2	3	4	
		एकसना	44	0	0	18	
		मियादी पट्टा नं. 30	45	0	1	17	
		मियादी पट्टा नं. 21	46	0	0	13	
		सरकारी	47	0	0	18	
		एकसना	49	0	0	9	
		मियादी पट्टा नं. 21	55	0	3	17	
		एकसना	51	0	2	10	
		मियादी पट्टा नं. 56	48	0	2	11	
		एकसना	52	0	1	8	
		कुल क्षेत्रफल		13	3	19	
17.	असोमिया गाँव	मियादी पट्टा नं. 198	365	0	3	12	
		मियादी पट्टा नं. 198	367	0	0	8	
		सरकारी	366	1	0	10	
		सरकारी	370	0	1	2	
		मियादी पट्टा नं. 148	371	1	1	7	
		मियादी पट्टा नं. 180	374	0	3	19	
		मियादी पट्टा नं. 50	359	0	1	2	
17.	असोमिया गाँव	मियादी पट्टा नं. 214	452	0	2	11	
	गाँव (जारी)	मियादी पट्टा नं. 64	455	0	1	9	
		मियादी पट्टा नं. 4	456	0	1	0	
		मियादी पट्टा नं. 75	457	0	3	6	
		मियादी पट्टा नं. 140	450	0	3	13	
		मियादी पट्टा नं. 148	491	0	3	10	
		मियादी पट्टा नं. 263	492	0	0	15	
		सरकारी	497	0	1	6	
		सरकारी	498	0	1	13	
		सरकारी	499	0	2	10	
		मियादी पट्टा नं. 7	530	0	0	1	
		मियादी पट्टा नं. 147	537	0	3	8	
		मियादी पट्टा नं. 109	538	0	2	0	
		मियादी पट्टा नं. 210	578	0	2	19	
		सरकारी	580	0	0	2	
		मियादी पट्टा नं. 21	577	0	1	17	
		मियादी पट्टा नं. 192	581	0	0	1	
		मियादी पट्टा नं. 87	582	0	1	6	
		मियादी पट्टा नं. 203	583	0	0	18	
		मियादी पट्टा नं. 192	584	0	2	11	
		मियादी पट्टा नं. 75	595	0	1	17	
		मियादी पट्टा नं. 75	594	0	1	19	
		मियादी पट्टा नं. 182	615	0	1	17	
		मियादी पट्टा नं. 184	614	0	1	6	
		मियादी पट्टा नं. 243	613	0	2	4	
		मियादी पट्टा नं. 245	634	0	2	10	
		मियादी पट्टा नं. 101	635	0	0	19	
		मियादी पट्टा नं. 206	633	0	2	8	
		मियादी पट्टा नं. 150	631	0	2	11	
		मियादी पट्टा नं. 15	660	0	2	11	
		मियादी पट्टा नं. 59	373	0	0	5	
		मियादी पट्टा नं. 234	443	0	0	7	
		मियादी पट्टा नं. 165	632	0	2	0	
		मियादी पट्टा नं. 204	576	0	0	10	
		कुल क्षेत्रफल		16	2	0	
18.	बालीमोरा पथार	मियादी पट्टा नं. 15	8	0	3	13	
		मियादी पट्टा नं. 16	9	0	0	5	
		मियादी पट्टा नं. 10	13	0	2	11	
		मियादी पट्टा नं. 3	19	0	2	0	
		एकसना	20	0	2	9	
		मियादी पट्टा नं. 4	49	0	4	1	

क्रम नं.	गाँव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्टा	लूसा	
18.	बालीमोरा पथार (जारी)	मियादी पट्टा नं. 15	50	0	2	0	
		सरकारी	59	0	0	7	
		सरकारी	101	0	2	10	
		सरकारी	102	0	2	15	
		सरकारी	126	0	2	19	
		मियादी पट्टा नं. 19	63	0	1	17	
		सरकारी	142	0	3	2	
		मियादी पट्टा नं. 53	143	0	0	9	
		सरकारी	36	0	0	15	
		मियादी पट्टा नं. 24	64	1	2	10	
		कुल क्षेत्रफल				7	4
19.	डिरीयाल गाँव	सरकारी	1	1	0	1	
		सरकारी	2	0	0	11	
		सरकारी	3	0	1	2	
		सरकारी	4	0	0	15	
		मियादी पट्टा नं. 50	7	1	0	19	
		मियादी पट्टा नं. 34	8	0	2	13	
		एकसना	11	0	1	6	
		मियादी पट्टा नं. 14	89	0	3	2	
		मियादी पट्टा नं. 30	88	0	1	9	
		सरकारी	87	0	0	14	
		सरकारी	83	0	0	2	
		सरकारी	82	0	1	6	
		मियादी पट्टा नं. 74	80	0	0	19	
		एकसना	79	0	1	11	
		सरकारी	108	0	0	2	
		सरकारी	109	0	2	2	
		मियादी पट्टा नं. 75	114	0	3	1	
		मियादी पट्टा नं. 75	131	0	2	13	
		मियादी पट्टा नं. 70	132	0	1	7	
		मियादी पट्टा नं. 20	133	0	0	19	
		मियादी पट्टा नं. 55	134	0	1	0	
		मियादी पट्टा नं. 49	215	0	2	4	
		मियादी पट्टा नं. 70	214	0	1	4	
		मियादी पट्टा नं. 32	213	0	1	8	
		मियादी पट्टा नं. 6	212	0	1	17	
		मियादी पट्टा नं. 32	211	0	1	0	
		मियादी पट्टा नं. 1	210	0	0	5	
		एकसना	233	0	0	5	
		मियादी पट्टा नं. 9	245	0	1	9	

क्रम नं.	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्टा	लूसा	
19.	डिरीयाल गाँव (जारी)	सरकारी	244	0	0	7	
		मियादी पट्टा नं. 13	243	0	0	10	
		मियादी पट्टा नं. 63	242	0	0	6	
		एकसना	241	0	2	6	
		मियादी पट्टा नं. 78	231	0	1	7	
		मियादी पट्टा नं. 66	235	0	0	10	
		एकसना	239	0	1	2	
		सरकारी	253	0	0	2	
		मियादी पट्टा नं. 56	254	0	1	11	
		मियादी पट्टा नं. 1	284	0	0	10	
		मियादी पट्टा नं. 81	285	0	2	11	
		मियादी पट्टा नं. 60	286	0	0	1	
		सरकारी	287	0	2	5	
		मियादी पट्टा नं. 42	289	0	1	13	
		सरकारी	290	0	2	11	
		मियादी पट्टा नं. 14	291	0	0	2	
		मियादी पट्टा नं. 31	294	1	1	4	
		मियादी पट्टा नं. 3	295	1	0	3	
		मियादी पट्टा नं. 28	296	0	0	1	
		मियादी पट्टा नं. 61	302	0	2	13	
		एकसना	303	1	1	7	
		सरकारी	255	0	0	2	
कुल क्षेत्रफल				17	0	10	
20.	हिन्दू गांव	सरकारी	171	0	0	18	
		मियादी पट्टा नं. 3	173	0	1	6	
		मियादी पट्टा नं. 32	177	0	0	9	
		मियादी पट्टा नं. 32	178	0	1	6	
		मियादी पट्टा नं. 22	179	0	2	8	
कुल क्षेत्रफल				1	1	7	
21.	तेरा टोली	सरकारी	11	0	0	6	
		मियादी पट्टा नं. 101	3	0	4	15	
		मियादी पट्टा नं. 3	4	0	0	10	
		मियादी पट्टा नं. 81	13	1	1	16	
		मियादी पट्टा नं. 98	47	0	3	4	
		मियादी पट्टा नं. 98	51	0	0	11	
		मियादी पट्टा नं. 98	52	0	0	6	
		मियादी पट्टा नं. 98	54	0	2	4	
		मियादी पट्टा नं. 45	15	0	1	17	
		मियादी पट्टा नं. 66	16	0	4	12	
		मियादी पट्टा नं. 98	55	0	2	11	

क्रम	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल	टिप्पणी
नं.				बीघा कट्टा लूसा	
21.	तोरा टोली	मियादी पट्टा नं. 98	80	0	3 4
	(जारी)	मियादी पट्टा नं. 67	81	0	0 9
		मियादी पट्टा नं. 98	82	0	0 8
		मियादी पट्टा नं. 96	94	1	0 8
		सरकारी	95	0	0 10
		मियादी पट्टा नं. 51	97	0	0 10
		मियादी पट्टा नं. 51	146	0	1 6
		मियादी पट्टा नं. 120	135	0	0 5
		मियादी पट्टा नं. 70	145	0	3 13
		मियादी पट्टा नं. 94	150	0	0 5
		एकसना	140	0	0 14
		मियादी पट्टा नं. 118	141	0	0 3
		मियादी पट्टा नं. 62	144	0	0 13
		सरकारी	165	0	0 7
		मियादी पट्टा नं. 56	182	0	3 10
		चाय मियादी पट्टा नं. 1	416	0	0 6
		मियादी पट्टा नं. 44	183	0	2 15
		चाय मियादी पट्टा नं. 1	415	0	0 4
		मियादी पट्टा नं. 10	384	0	2 15
		चाय मियादी पट्टा नं. 1	385	0	0 2
		मियादी पट्टा नं. 97	386	0	0 2
		मियादी पट्टा नं. 125	387	0	0 13
		मियादी पट्टा नं. 97	388	0	1 2
		मियादी पट्टा नं. 120	412	0	2 11
		मियादी पट्टा नं. 2	411	0	3 10
		मियादी पट्टा नं. 2	410	0	2 17
		मियादी पट्टा नं. 1	417	0	0 4
		सरकारी	399	0	0 4
		कुल क्षेत्रफल	13	1	2
22.	कछारी पथार	एकसना	4	0	1 11
		एकसना	5	0	1 0
		मियादी पट्टा नं. 73	27	0	3 13
		मियादी पट्टा नं. 53	28	1	0 1
		एकसना	40	2	3 12
		मियादी पट्टा नं. 24	50	0	0 5
		मियादी पट्टा नं. 22	49	0	0 3
		मियादी पट्टा नं. 34	51	0	3 1
		मियादी पट्टा नं. 7	54	0	1 6
		मियादी पट्टा नं. 7	55	0	0 5
		एकसना	56	0	1 13
		एकसना	58	0	1 12
		मियादी पट्टा नं. 10	71	0	4 12
		मियादी पट्टा नं. 15	77	1	1 6

क्रम	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल	टिप्पणी
नं.				बीघा कट्टा लूसा	
22.	कछारी पथार	मियादी पट्टा नं. 10	81	2	1 8
	(जारी)	मियादी पट्टा नं. 5	79	0	0 2
		मियादी पट्टा नं. 50	84	0	1 0
		सरकारी	82	0	0 3
		मियादी पट्टा नं. 10	83	0	1 6
		मियादी पट्टा नं. 10	96	0	0 13
		सरकारी	220	0	0 7
		मियादी पट्टा नं. 35	100	0	3 15
		मियादी पट्टा नं. 45	102	0	3 4
		मियादी पट्टा नं. 57	07	0	2 8
		मियादी पट्टा नं. 4	144	0	3 4
		मियादी पट्टा नं. 3	145	0	0 10
		मियादी पट्टा नं. 18	147	0	3 13
		सरकारी	160	0	0 4
		मियादी पट्टा नं. 43	161	1	0 10
		मियादी पट्टा नं. 2	162	0	4 13
		मियादी पट्टा नं. 2	163	0	3 2
		मियादी पट्टा नं. 50	147	0	0 9
		मियादी पट्टा नं. 25	175	0	2 0
		मियादी पट्टा नं. 26	176	0	3 12
		मियादी पट्टा नं. 9	178	0	1 9
		कुल क्षेत्रफल	18	2	12
23.	हाफजानपर्वत	सरकारी	77	0	1 13
	चाय बगीचा	सरकारी	80	0	1 8
	ग्रान्ट नं. 104/101	सरकारी	81	0	2 13
	एन.आर.एल	सरकारी	82	0	0 8
		कुल क्षेत्रफल	1	1	2
24.	नोगा माटी	मियादी पट्टा नं. 44	59	0	0 2
	खैरेमियाँ गाँव	एकसना	60	0	0 13
		एकसना	61	0	0 15
		मियादी पट्टा नं. 21	62	0	1 12
		मियादी पट्टा नं. 133	282	0	2 19
		मियादी पट्टा नं. 36	289	0	1 0
		मियादी पट्टा नं. 112	290	0	2 15
		मियादी पट्टा नं. 64	291	0	0 8
		मियादी पट्टा नं. 103	369	0	1 10
		मियादी पट्टा नं. 38	370	1	2 18
		मियादी पट्टा नं. 74	382	0	2 19
		मियादी पट्टा नं. 64	280	0	0 9
		कुल क्षेत्रफल	4	3	0

[सं. ओ. - 12016/11/2000-ओएनजी (डी-IV)]

एन. सी. जाखुप, अवर सचिव

New Delhi, the 13th February, 2004

S.O. 402.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. 1919 dated 12th July, 2003 under sub section (1) of Section (3) of Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in land specified in the schedule appended to that notification for the purpose laying pipeline.

And whereas the Competent Authority has under sub section 1 of Section (6) of the said Act, submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub section (1) of the Section (6) of the said Act, the Central Govt. hereby declared that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by Sub section (4) of that Section, the Central Govt. directs that right of user in the said lands shall instead of vesting in the Central Govt. acts on this date of publication of this declaration in the Assam Gas Company Limited free from encumbrances.

SCHEDULE

State-Assam. Dist.-Dibrugarh. Mouza-Kheremia

Sl. No.	Name of Village	Patta No.	Dag No.	Area B	Area K	Area L	Remarks
1	2	3	4	5	6	7	8
1	Chalakataki	P.P. No. 78	296	0	3	17	
	No. 1	P.P. No. 52	298	0	1	7.5	
		P.P. No. 52	299	0	1	15	
		Wasteland	307	0	0	6	
		P.P. No. 85	302	0	2	11	
		Annual	201	0	4	2	
		Annual	304	0	0	17	
		Annual	320	0	2	7	
		Annual	321	0	2	19	
		P.P. No. 81	346	0	0	13	
		Annual	347	0	2	0	
		TOTAL AREA		4	2	14.5	

1	2	3	4	5	6	7	8
2.	Chalakataki	Wasteland	104	1	0	6	
	No. 2	Wasteland	103	2	0	9	
		Wasteland	101	0	3	13	
		Wasteland	10B	0	0	18	
		TOTAL AREA		4	0	6	
3.	Jagun Pathar	Wasteland	14	0	0	11	
	No. 1	Wasteland	17	0	0	11	
		Wasteland	18	0	0	11	
		Wasteland	19	1	4	17	
		Annual	22	0	2	6	
		Annual	27	0	2	6	
		P.P. No. 33	28	0	1	17	
		Wasteland	29	0	2	19	
		P.P. No. 10	42	0	0	10	
		Wasteland	20	0	0	15	
		Wasteland	21	0	0	11	
		TOTAL AREA		4	2	14	
4.	Jagun Pathar	Wasteland	38	0	1	6	
	No. 2	Wasteland	13	0	1	17	
		P.P. No. 16	23	0	0	11	
		Annual No. 7	24	0	1	0	
		Annual No. 26	25	0	1	2	
		Wasteland	26	0	2	15	
		Wasteland	31	0	1	2	
		P.P. No. 36	37	1	0	10	
		P.P. No. 2	41	1	0	10	
		P.P. No. 2	61	0	1	17	
		P.P. No. 13	91	1	0	6	
		P.P. No. 13	95	0	0	11	
		P.P. No. 1	129	0	0	4	
		Wasteland	130	0	0	4	
		Wasteland	131	0	1	17	
		P.P. No. 13	132	0	0	19	
		P.P. No. 1	135	0	0	4	
		Wasteland	136	0	1	9	
		Wasteland	137	0	1	2	
		Wasteland	141	0	0	9	
		Annual No. 7	140	0	0	18	
		Annual No. 7	189	0	0	18	
		Annual No. 7	191	0	1	0	
		Annual No. 7	190	0	1	0	
		Wasteland	77	0	0	18	
		TOTAL AREA		7	4	9	

1	2	3	4	5	6	7	8
05	Hajwopathar	Wasteland	17	0	0	10	
		Wasteland	18	0	0	10	
		Wasteland	19	0	0	15	
		Wasteland	27	0	1	4	
		Wasteland	28	0	2	17	
		Wasteland	29	0	3	1	
		Wasteland	30	0	1	6	
		Wasteland	31	0	1	6	
		Wasteland	32	0	1	6	
		Wasteland	33	0	1	8	
		Wasteland	34	0	1	6	
		Wasteland	35	0	1	8	
		Wasteland	36	0	1	2	
		Wasteland	37	0	0	15	
		Wasteland	38	0	0	12	
		Wasteland	39	0	1	6	
		Wasteland	40	0	0	18	
		Wasteland	41	0	1	2	
		Wasteland	42	0	1	6	
		Wasteland	45	0	0	15	
		Wasteland	46	0	0	11	
		Wasteland	44	3	2	1	
		Wasteland	47	0	0	9	
		Wasteland	48	0	0	11	
		Wasteland	49	0	0	15	
		Wasteland	50	0	0	11	
		Wasteland	51	0	0	9	
		Wasteland	52	0	0	15	
		Wasteland	53	0	0	13	
		Wasteland	54	0	1	1	
		TOTAL AREA		9	2	9	
06.	Gethupathar	Annual	97	0	4	19	
	1st Part	Annual	98	0	0	7	
		Annual	100	0	0	4	
		Annual	179	1	4	18	
		Annual	191	0	0	4	
		Annual	197	1	2	14	
		Annual	194	0	1	17	

1	2	3	4	5	6	7	8
06.	Gethupathar	P.P. No. 95	195	0	1	13	
	1st Part	Annual	196	0	2	4	
	(Contd.)	Wasteland	193	0	1	17	
		Annual	198	0	2	11	
		Waste land	147	0	0	18	
		Annual	641	1	2	7	
		Annual	178	0	0	15	
		TOTAL AREA		8	2	12	
07(A)	Gethupathar	P.P. No. 25	619	0	2	10	
	2nd Part	P.P. No. 31	621	0	0	2	
		Annual	620	0	0	2	
		P.P. No. 11	566	0	3	6	
		P.P. No. 73	565	0	1	17	
		Annual	554	0	1	17	
		Annual	555	0	1	17	
		Annual	495	0	0	9	
		P.P. No. 66	496	0	3	15	
		P.P. No. 21	486	0	4	14	
		Annual	487	0	0	2	
		P.P. No. 34	480	0	1	13	
		Waste land	494	0	2	0	
		Annual	473	0	2	0	
		P.P. No. 5	474	0	0	18	
		P.P. No. 105	475	0	1	1	
		P.P. No. 68	476	0	0	8	
		P.P. No. 5	380	0	2	5	
		P.P. No. 39	379	0	1	19	
		Waste land	308	0	3	8	
		P.P. No. 60	307	0	1	13	
		Waste land	293	0	1	7	
		Waste land	280	0	0	7	
		Waste land	281	0	0	10	
		P.P. No. 13	547	0	0	2	
		P.P. No. 25	375	0	4	8	
		P.P. No. 46	298	1	2	12	
		P.P. No. 8	378	0	0	15	
		TOTAL AREA		10	2	19	

1	2	3	4	5	6	7	8
07(B) Gethupathar	P.P. No. 62	478	0	1	19		
2nd Part	P.P. No. 68	477	0	1	13		
	Wasteland	494	0	3	2		
	P.P. No. 34	480	0	0	7		
	TOTAL AREA		1	2	1		
08(A) Nogaon	P.P. No. 59	250	0	1	17		
Dhadumia	P.P. No. 58	251	2	0	2		
	P.P. No. 4	252	0	2	0		
	Wasteland	253	0	0	4		
	P.P. No. 43	254	0	1	19		
	TOTAL AREA		3	2	2		
08(B) Nogaon	Wasteland	3	0	0	10		
Dhadumia	Wasteland	4	0	0	8		
	Wasteland	6	0	0	10		
	P.P. No. 11	8	0	4	1		
	P.P. No. 80	9	0	1	13		
	P.P. No. 56	20	0	0	3		
	P.P. No. 56	21	0	1	17		
	P.P. No. 72	22	0	0	3		
	P.P. No. 24	23	0	1	17		
	P.P. No. 50	24	0	2	4		
	P.P. No. 67	25	0	2	15		
	Wasteland	26	0	0	15		
	P.P. No. 54	28	0	1	2		
	Wasteland	37	0	1	2		
	P.P. No. 56	38	0	3	10		
	P.P. No. 82	41	0	0	19		
	Annual	42	0	1	13		
	P.P. No. 98	45	0	0	15		
	P.P. No. 56	44	0	2	18		
	Annual	43	0	2	4		
	TOTAL AREA		6	0	19		
09. Rangalipathar	Wasteland	45	0	1	0		
	Annual	47	0	0	6		
	Wasteland	48	0	0	4		
	Annual	49	0	1	6		
	Wasteland	50	0	1	8		
	P.P. No. 84	58	0	4	1		
	P.P. No. 84	59	0	1	6		
	P.P. No. 136	173	0	3	6		
	TOTAL AREA		2	2	17		

1	2	3	4	5	6	7	8
10. Lengrijan	P.P.		1	0	0	10	
Chabagicha	P.P.		2	0	4	12	
	P.P.		4	0	0	6	
	Wasteland	144	0	0	5		
	Wasteland	138	0	0	9		
	Wasteland	143	2	0	19		
	Wasteland	145	0	0	10		
	TOTAL AREA		3	2	11		
11(A) Balijan Mazi	P.P. No. 45	52	0	0	13		
Gaon	P.P. No. 26	62	0	4	12		
	P.P. No. 7	63	1	0	10		
	Wasteland	69	0	1	2		
	Wasteland	70	0	1	0		
	P.P. No. 37	74	0	0	2		
	P.P. No. 24	76	0	0	17		
	Annual	84	0	1	7		
	P.P. No. 43	88	0	3	19		
	P.P. No. 12	89	0	2	15		
	Wasteland	93	1	1	3		
	Wasteland	109	0	0	18		
	P.P. No. 23	87	0	0	9		
	TOTAL AREA		5	4	7		
11(B) Balijan Mazi	P.P. No. 7	63	0	3	6		
Gaon	P.P. No. 26	62	0	3	19		
	P.P. No. 21	60	0	2	4		
	P.P. No. 22	59	0	2	0		
	P.P. No. 20	58	0	2	2		
	P.P. No. 24	57	0	2	4		
	P.P. No. 18	56	0	2	0		
	TOTAL AREA		3	3	15		
12. Balijan	NLR No. 294	1	2	2	11		
Chabagicha,	NLR No 294	6	0	3	13		
Satynarayan	NLR No 294	10	0	0	5		
Tea Company	NLR No 294	17	0	0	5		
Ltd. Grant No. 294	NLR No 294	18	2	1	12		
NLR	NLR No 294	20	0	0	5		
	TOTAL AREA		5	3	11		

1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8
13.	Baliyan	Wasteland	25	0	0	16		14.	Dighala	P.P. No. 8	176	0	1	8	
	Chabagicha,	T.P.P. No. 1	28	0	0	13			Sonowal	P.P. No. 28	177	0	3	13	
	Satyarayan	P.P. No. 1	29	0	1	19				P.P. No. 28	178	0	1	14	
	Tea Company									P.P. No. 15	180	0	1	9	
	Ltd., W.L.									P.P. No. 46	185	0	3	12	
	Application									Westland	1	0	0	7	
	No. 4, 1921/22														
	1st Part &														
	2nd Part.														
		TOTAL AREA		0	3	8				TOTAL AREA		11	1	0	
14.	Dighala	P.P. No. 6	14	0	3	15		15.	No. 1 Baliyan	Westland	5	0	0	18	
	Sonowal	P.P. No. 25	15	0	3	15				Westland	6	0	0	11	
		P.P. No. 13	16	0	0	18				Westland	7	0	0	7	
		P.P. No. 45	17	0	0	18				Westland	8	0	0	11	
		P.P. No. 20	18	0	1	16				Westland	9	0	0	7	
		P.P. No. 22	19	0	0	18				Westland	10	0	0	11	
		P.P. No. 39	28	0	1	9				P.P. No. 24	16	0	4	15	
		P.P. No. 11	27	0	1	8				P.P. No. 33	56	0	3	13	
		P.P. No. 3	26	0	1	4				P.P. No. 3	84	0	2	13	
		P.P. No. 47	25	0	1	4				Annual	11	0	2	15	
		P.P. No. 31	24	0	3	10				P.P. No. 53	12	0	0	18	
		Annual	92	0	0	17				P.P. No. 76	13	0	0	6	
		Annual	93	0	0	9				Annual	14	0	0	9	
		P.P. No. 12	94	0	0	9				TOTAL AREA		4	3	14	
		Annual	95	0	0	13		16.	No. 1 Powali	Westland	203	0	1	8	
		P.P. No. 14	96	0	0	13			Pathar	Westland	202	0	0	7	
		P.P. No. 20	99	0	0	13				Westland	201	0	0	7	
		P.P. No. 10	100	0	0	17				Westland	200	0	0	7	
		P.P. No. 26	101	0	0	17				P.P. No. 21	175	0	1	17	
		P.P. No. 21	102	0	0	17				Westland	176	1	1	3	
		P.P. No. 2	103	0	1	6				P.P. No. 22	177	0	0	6	
		P.P. No. 35	104	0	1	11				P.P. No. 42	143	1	1	14	
		P.P. No. 17	105	0	1	1				P.P. No. 3	98	1	2	1	
		P.P. No. 48	107	0	2	8				P.P. No. 19	97	0	3	13	
		P.P. No. 15	108	0	1	6				P.P. No. 43	83	0	3	2	
		P.P. No. 46	109	0	3	17				P.P. No. 25	79	1	4	0	
		P.P. No. 15	110	0	2	17				P.P. No. 25	80	0	0	5	
		P.P. No. 19	111	0	1	16				P.P. No. 11	81	0	0	4	
		Westland	170	0	0	7				Westland	39	2	3	4	
		Annual	175	0	0	8				Annual	44	0	0	18	
										P.P. No. 30	45	0	1	17	

1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8
16.	No. 1 Powali	P.P. No. 21	46	0	0	13		17.	Asomia Gaon	P.P. No. 184	614	0	1	6	
	Pathar (Contd.)	Wasteland	47	0	0	18				P.P. No. 243	613	0	2	4	
		Annual	49	0	0	9				P.P. No. 245	634	0	2	10	
		P.P. No. 21	55	0	3	17				P.P. No. 101	635	0	0	19	
		Annual	51	0	2	10				P.P. No. 206	633	0	2	8	
		P.P. No. 56	43	0	2	11				P.P. No. 150	631	0	2	11	
		Annual	52	0	1	8				P.P. No. 15	660	0	2	11	
		TOTAL AREA	13	3	19					P.P. No. 59	373	0	0	5	
17.	Asomia Gaon	P.P. No. 198	365	0	3	12				P.P. No. 234	443	0	0	7	
		P.P. No. 198	367	0	0	8				P.P. No. 165	632	0	2	0	
		Wasteland	366	1	0	10				P.P. No. 204	576	0	0	10	
		Wasteland	370	0	1	2				TOTAL AREA	16	2	0		
		P.P. No. 148	371	1	1	7		18.	Balimora	P.P. No. 15	8	0	3	13	
		P.P. No. 180	374	0	3	19			pathar	P.P. No. 16	9	0	0	5	
		P.P. No. 50	359	0	1	2				P.P. No. 10	13	0	2	11	
		P.P. No. 214	452	0	2	11				P.P. No. 3	19	0	2	0	
		P.P. No. 64	455	0	1	9				Annual	20	0	2	9	
		P.P. No. 4	456	0	1	0				P.P. No. 4	49	0	4	1	
		P.P. No. 75	457	0	3	6				P.P. No. 15	50	0	2	0	
		P.P. No. 140	450	0	3	13				Wasteland	59	0	0	7	
		P.P. No. 148	491	0	3	10				Wasteland	101	0	2	10	
		P.P. No. 263	492	0	0	15				Wasteland	102	0	2	15	
		Wasteland	497	0	1	6				Wasteland	126	0	2	19	
		Wasteland	498	0	1	13				P.P. No. 19	63	0	1	17	
		Wasteland	499	0	2	10				Wasteland	142	0	3	2	
		P.P. No. 7	530	0	0	1				P.P. No. 53	143	0	0	9	
		P.P. No. 147	537	0	3	8				Wasteland	36	0	0	15	
		P.P. No. 109	538	0	2	0				P.P. No. 24	64	1	2	10	
		P.P. No. 210	578	0	2	19				TOTAL AREA	7	4	3		
		Wasteland	580	0	0	2		19.	Derial Gaon	Wasteland	1	1	0	1	
		P.P. No. 21	577	0	1	17				Wasteland	2	0	0	11	
		P.P. No. 192	581	0	0	1				Wasteland	3	0	1	2	
		P.P. No. 87	582	0	1	6				Wasteland	4	0	0	15	
		P.P. No. 203	583	0	0	18				P.P. No. 50	7	1	0	19	
		P.P. No. 192	584	0	2	11				P.P. No. 34	8	0	2	13	
		P.P. No. 75	595	0	1	17				Annual	11	0	1	6	
		P.P. No. 75	594	0	1	19				P.P. No. 14	89	0	3	2	
		P.P. No. 182	615	0	1	17				P.P. No. 30	88	0	1	9	

1	2	3	4	5	6	7	8
19.	Derjal Gaon	Wasteland	87	0	0	14	
		Wasteland	83	0	0	2	
		Wasteland	82	0	1	6	
		P.P. No. 74	80	0	0	19	
		Annual	79	0	1	11	
		Wasteland	108	0	0	2	
		Wasteland	109	0	2	2	
		P.P. No. 75	114	0	3	1	
		P.P. No. 75	131	0	2	13	
		P.P. No. 70	132	0	1	7	
		P.P. No. 20	133	0	0	19	
		P.P. No. 55	134	0	1	0	
		P.P. No. 49	215	0	2	4	
		P.P. No. 70	214	0	1	4	
		P.P. No. 32	213	0	1	8	
		P.P. No. 6	212	0	1	17	
		P.P. No. 32	211	0	1	0	
		P.P. No. 1	210	0	0	5	
		Annual	233	0	0	5	
		P.P. No. 9	245	0	1	9	
		Wasteland	244	0	0	7	
		P.P. No. 13	243	0	0	10	
		P.P. No. 63	242	0	0	6	
		Annual	241	0	2	6	
		P.P. No. 78	231	0	1	7	
		P.P. No. 66	235	0	0	10	
		Annual	239	0	1	2	
		Wasteland	253	0	0	2	
		P.P. No. 56	254	0	1	11	
		P.P. No. 1	284	0	2	10	
		P.P. No. 81	285	0	2	11	
		P.P. No. 60	286	0	0	1	
		Wasteland	287	0	2	5	
		P.P. No. 42	289	0	1	13	
		Wasteland	290	0	2	11	
		P.P. No. 14	291	0	0	2	
		P.P. No. 31	294	0	1	4	
		P.P. No. 3	295	1	0	3	

1	2	3	4	5	6	7	8
19.	Derjal Gaon	P.P. No. 28	296	0	0	1	
		P.P. No. 61	302	0	2	13	
		Annual	303	1	1	7	
		Wasteland	255	0	0	2	
TOTAL AREA				17	0	10	
20.	Hindu Gaon	Wasteland	171	0	0	18	
		P.P. No. 3	173	0	1	6	
		P.P. No. 32	177	0	0	9	
		P.P. No. 32	178	0	1	6	
		P.P. No. 22	179	0	2	8	
TOTAL AREA				1	1	7	
21.	Taralolee	Wasteland	11	0	0	6	
		P.P. No. 101	3	0	4	15	
		P.P. No. 3	4	0	0	10	
		P.P. No. 81	13	1	1	16	
		P.P. No. 98	47	0	3	4	
		P.P. No. 98	51	0	0	11	
		P.P. No. 98	52	0	0	6	
		P.P. No. 98	54	0	2	4	
		P.P. No. 45	15	0	1	17	
		P.P. No. 66	16	0	4	12	
		P.P. No. 98	55	0	2	11	
		P.P. No. 98	80	0	3	4	
		P.P. No. 67	81	0	0	9	
		P.P. No. 98	82	0	0	8	
		P.P. No. 96	94	1	0	8	
		Wasteland	95	0	0	10	
		P.P. No. 51	97	0	0	10	
		P.P. No. 51	146	0	1	6	
		P.P. No. 120	135	0	0	5	
		P.P. No. 70	145	0	3	13	
		P.P. No. 94	150	0	0	5	
		Annual	140	0	0	14	
		P.P. No. 118	141	0	0	3	
		P.P. No. 62	144	0	0	13	
		Wasteland	165	0	0	7	
		P.P. No. 56	182	0	3	10	

1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8	
21. Taralolee	T. P.P. No. 1	416	0	0	6			22. Kachari pathar	P.P. No. 35	100	0	3	15			
	P.P. No. 44	183	0	2	15				P.P. No. 45	102	0	3	4			
	T. P.P. No. 1	415	0	0	4				P.P. No. 57	107	0	2	8			
	P.P. No. 10	384	0	2	15				P.P. No. 4	144	0	3	4			
	T. P.P. No. 1	385	0	0	2				P.P. No. 3	145	0	0	10			
	P.P. No. 97	386	0	0	2				P.P. No. 18	147	0	3	13			
	P.P. No. 125	387	0	0	13				Wasteland	160	0	0	4			
	P.P. No. 97	388	0	1	2				P.P. No. 43	161	1	0	10			
	P.P. No. 120	412	0	2	11				P.P. No. 2	162	0	4	13			
	P.P. No. 2	411	0	3	10				P.P. No. 2	163	0	3	2			
	P.P. No. 2	410	0	2	17				P.P. No. 50	147	0	0	9			
	P.P. No. 1	417	0	0	4				P.P. No. 25	175	0	2	0			
	Wasteland	399	0	0	4				P.P. No. 26	176	0	3	12			
	TOTAL AREA	13	1	2					P.P. No. 9	178	0	1	9			
22. Kachari pathar	Annual	4	0	1	11				TOTAL AREA	18	2	12				
	Annual	5	0	1	0			23. Hapjanparbat	Wasteland	77	0	1	13			
	P.P. No. 73	27	0	3	13				Cha-Bagicha	Wasteland	80	0	1	8		
	P.P. No. 53	28	1	0	1				Grant No.	Wasteland	81	0	2	13		
	Annual	40	1	3	12				104/101 NLR	Wasteland	82	0	0	8		
	P.P. No. 24	50	0	0	5				TOTAL AREA	1	1	2				
	P.P. No. 22	49	0	0	3			24. Noga-mati	P.P. No. 44	59	0	0	2			
	P.P. No. 34	51	0	3	1				Kheremia	Annual	60	0	0	13		
	P.P. No. 7	54	0	1	6				Gaon	Annual	61	0	0	15		
	P.P. No. 7	55	0	0	5					P.P. No. 21	62	0	1	12		
	Annual	56	0	1	13					P.P. No. 133	282	0	2	19		
	Annual	58	0	1	12					P.P. No. 36	289	0	1	0		
	P.P. No. 10	71	0	4	12					P.P. No. 112	290	0	2	15		
	P.P. No. 15	77	1	1	6					P.P. No. 64	291	0	0	8		
	P.P. No. 10	81	2	1	8					P.P. No. 103	369	0	1	10		
	P.P. No. 5	79	0	0	2					P.P. No. 38	370	1	2	18		
	P.P. No. 50	84	0	1	0					P.P. No. 74	382	0	2	19		
	Wasteland	82	0	0	3					P.P. No. 64	280	0	0	9		
	P.P. No. 10	83	0	1	6				TOTAL AREA	4	3	0				
	P.P. No. 10	96	0	0	13											
	Wasteland	220	0	0	7											

[No. O-12016/11/2000-ONG (D-IV)]

N.C. ZAKHUR Under Seco

[No. O-12016/11/2000-ONG (D-IV)]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 20 फरवरी, 2004

New Delhi, the 20th February, 2004

का०आ० 403.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी, और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का०आ० 529 तारीख 11 फरवरी, 2003 द्वारा उत्तरांचल राज्य में होकर उत्तर प्रदेश राज्य में सहारनपुर से नजीबाबाद तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाई जाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 11 मार्च, 2003 को उपलब्ध करा दी गई थीं;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसारण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लंगमों से मुक्त, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : लक्सर	जिला : हरिद्वार	राज्य : उत्तरांचल
गांव	खसरा संख्या	क्षेत्रफल
		हेक्टेयर आर सेंटीआर
शेखपुरी खादर	13	0 50 07
अकोड़ा मुकरमतपुर	269	0 04 87
	295	0 01 51
कुडी	295	0 10 50
	296	0 01 00

[संख्या आर-25011/2/2003-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

S.O. 403.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 529, dated the 11th February, 2003 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of petroleum products from Saharanpur to Najibabad in the State of Uttar Pradesh through (Uttaranchal) by the Indian Oil Corporation Limited;

And, whereas, copies of the said Gazette notification were made available to the public on 11th March, 2003;

And, whereas, the competent authority in pursuance of Sub-section (1) of Section 6 of the said Act, has submitted his report to the Central Government;

And, whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by Sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest, from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Laksar	District : Haridwar	State : Uttaranchal
Village	Khasra No.	Area
		Hectare Are Centiare
Sheikhpuri Khadar	13	0 50 07
Akoda Mukharmatpur	269	0 04 87
	295	0 01 51
Kudi	295	0 10 50
	296	0 01 00

[No. R-25011/2/2003-OR-1]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 20 फरवरी, 2004

का०आ० 404.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी, और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का०आ० 869, तारीख 11 मार्च, 2003 द्वारा उत्तरांचल राज्य में जिला हरिद्वार से होकर उत्तर प्रदेश राज्य में सहारनपुर से नजीबाबाद तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछोई जाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 2 अप्रैल, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लंगमों से मुक्त, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा;

अनुसूची

तहसील : रुड़की	जिला : हरिद्वार	राज्य : उत्तरांचल		
गांव	चक संख्या	क्षेत्रफल		
		हेक्टेयर आर	सेंटीआर	
1	2	3	4	5
सरदेही शाहजहाँपुर	234/3	0	01	68
तलहेड़ी	110	0	00	20
बिझौली	624	0	36	60
लंदौरा	307	0	00	08
	261	0	16	86

1	2	3	4	5	6
चुडियाला मोहनपुर	229	64/2	0	14	41
	229	64/2	0	06	20
रास्ता	72	0	01	34	
	298	157	0	00	30
बेलकी युसुफपुर	9	126	0	01	84
	9	127	0	03	76
	48	117/2	0	07	30
	114	32	0	04	47
	114	31/1	0	00	50
	114	33/1	0	00	50
	114	33/2	0	01	50
	121	117/2	0	13	50
	152	3	0	04	50
खाता खेड़ी	396	239/2	0	00	16
संफरपुर	बचत	363	0	00	89
	बचत	364	0	02	30
	गाहा	374	0	02	68
	271	355	0	05	69
	310	19	0	04	10
असिफनगर	33	239/12	0	01	26
	33	239/14	0	09	17
	70	239/15	0	00	96
	70	239/16	0	00	24
	129	239/12	0	05	87
	166	239/3	0	00	84
	166	239/4	0	21	32
	159	281	0	03	35
	293	275/2	0	02	09
	293	281	0	00	40
	368	281	0	03	00
	368	282	0	00	80
	368	283	0	00	50
	425	240/3	0	00	16
रास्ता	227	0	00	50	
भगवानपुर चंदनपुर	चक	1/2	0	00	10
	मार्ग				
	नाली	1/2	0	00	05
	85	2/2	0	21	08

1	2	3	4	5	6
भगवानपुर चंदनपुर—जारी	420	10	0	00	09
	420	11	0	00	18
	420	25/1	0	03	60
	487	92	0	01	00

[सं० आर-25011/3/2003-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 20th February, 2004

S.O. 404.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 869, dated the 11th February, 2003 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of petroleum products from Saharanpur to Najibabad in the State of Uttar Pradesh through Distt. Haridwar (Uttaranchal) by the Indian Oil Corporation Limited;

And, whereas, copies of the said Gazette notification were made available to the public on 2nd April, 2003;

And, whereas, therefore the competent authority in pursuance of Sub-section (1) of Section 6 of the said Act, has submitted his report to the Central Government;

And, whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Roorkee District : Haridwar State : Uttaranchal					
Village	Khasra		Area		
	No.	Hec.	Are	Centiare	
1	2	3	4	5	
Sarthedi Shajanpur	234/3	0	01	68	

1	2	3	4	5	6
Talhedi		110	0	00	20
Bijhanli		624	0	36	60
Landhaura		307	0	00	08
		261	0	16	86
Chudiala Mohanpur	229	64/2	0	14	41
	229	64/2	0	06	20
	Rasta	72	0	01	34
	298	157	0	00	30
Baleki Yusufpur	9	126	0	01	84
	9	127	0	03	76
	48	117/2	0	07	30
	114	32	0	04	47
	114	31/1	0	00	50
	114	33/1	0	00	50
	114	33/2	0	01	50
	121	117/2	0	13	50
	152	3	0	04	50
Khata Khedi	396	239/2	0	00	16
Safarpur	Bachat	363	0	00	89
	Bachat	364	0	02	30
	Gaha	374	0	02	68
	271	355	0	05	69
	310	19	0	04	10
Asifnagar	33	239/12	0	01	26
	33	239/14	0	09	17
	70	239/15	0	00	96
	70	239/16	0	00	24
	129	239/12	0	05	87
	166	239/3	0	00	84
	166	239/4	0	21	32
	159	281	0	03	35
	293	275/2	0	02	09
	293	281	0	00	40
	368	281	0	03	00
	368	282	0	00	80
	368	283	0	00	50
	425	240/3	0	00	16
	Rasta	227	0	00	50
Bhagwanpur	Chak	1/2	0	00	10
Chandanpur	Marg				
	Nali	1/2	0	00	05
	85	2/2	0	21	08

1	2	3	4	5	6
	420	10	0	00	09
	420	11	0	00	18
	420	25/1	0	03	60
	487	92	0	01	00

[No. R-25011/3/2003-OR-1]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 20 फरवरी, 2004

का०आ० 405.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश राज्य में सहारनपुर से नजीबाबाद तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाई जाने के प्रयोजन के लिए यह आवश्यक है कि इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाई जाने के संबंध में लिखित रूप में आक्षेप श्री लोकेन्द्र पाल सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, सहारनपुर-नजीबाबाद पाइपलाइन परियोजना, के-33, पल्लवपुरम, फेस-2, मेरठ (उत्तर प्रदेश) को भेज सकेगा।

अनुसूची

तहसील : सहारनपुर जिला : सहारनपुर	राज्य : उत्तर प्रदेश
गांव	क्षेत्रफल
	खसरा संख्या
	हेक्टेयर
	आर
	सेंटीआर
गागलहेड़ी अहमतमाल	100 0 07 60

[सं० आर-25011/4/2003-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 20th February, 2004

S.O. 405.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum products from Saharanpur to Nijibabad in the State of Uttar Pradesh, a

pipeline should be laid by the Indian Oil Corporation Limited;

And whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twentyone days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Lokendra Pal Singh, Competent Authority, Indian Oil Corporation Limited, Saharanpur-Najibabad Pipeline Project, K-33, Pallavpuram, Phase-II, Meerut (Uttar Pradesh).

SCHEDULE

Tehsil : Saharanpur District : Saharanpur State : Uttar Pradesh

Village	Khasra No.	Area		
		Hectare	Are	Centiare
Gagalheri Ahtmal	100	0	07	60

[No. R-25011/4/2003-OR-1]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 20 फरवरी, 2004

का०आ० 406.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी, भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का०आ० 1646 तारीख 6 जून, 2003 द्वारा उत्तर प्रदेश राज्य में सहारनपुर से नजीबाबाद तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाई जाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20 जून, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में

विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाई जाने के लिए अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय, सभी विल्लिंगों से मुक्त, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : नकुड़ जिला : सहारनपुर राज्य : उत्तर प्रदेश

गांव	खसरा संख्या		क्षेत्रफल	
	हेक्टेयर	आर	सेंटीआर	
पिलखनी	538	0	00	30

तहसील : सहारनपुर जिला : सहारनपुरराज्य : उत्तर प्रदेश

गांव	खसरा संख्या		क्षेत्रफल	
	हेक्टेयर	आर	सेंटीआर	
1	2	3	4	5
दाबकी गूजर	470	0	01	50
हौजखेड़ी	79	0	02	10
	94	0	08	38
दराकोटतला	617	0	03	19
चाटका	20	0	00	30
	35	0	03	90
गागलहेड़ी अहतमाल	94	0	00	20
	95	0	03	18
	96	0	00	33
	97	0	06	52
	101	0	03	35
	104	0	03	68
	105	0	00	40
	106	0	00	40
	107	0	01	92
	178	0	02	04

1	2	3	4	5
गागलहेड़ी अहत-	179	0	00	42
माल-जारी	180	0	08	88
गागलहेड़ी मुस्तहकम	239	0	01	20
चौरादेव	90	0	01	72
	634	0	00	80

[संख्या आर-25011/7/2003-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 20th February, 2004

S.O. 406.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 1646, dated the 6th June, 2003 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of petroleum products from Saharanpur to Najibabad in the State of Uttar Pradesh by the Indian Oil Corporation Limited;

And, whereas, copies of the said Gazette notification were made available to the public on 20th June, 2003;

And, whereas, the competent authority in pursuance of Sub-section (1) of Section 6 of the said Act, has submitted his report to the Central Government;

And, whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired for laying the pipeline;

And, further in exercise of the powers conferred by Sub-section (4) of Section 6 of the said act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest, from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Nakur	District : Saharanpur	State : Uttar Pradesh			
Village	Khasra No.	Area			
		Hectare	Are	Centiare	
Pilkhani	538	0	00	30	

Tehsil : Saharanpur District : Saharanpur State : Uttar Pradesh

Village	Khasra No.	Area		
		Hectare	are	Centiare
Dabki Gujar	470	0	01	50
Hauz Kheri	79	0	02	10
	94	0	08	38
Dara Kottala	617	0	03	19
Chatka	20	0	00	30
	35	0	03	90
Gagalheri Ahtmal	94	0	00	20
	95	0	03	18
	96	0	00	33
	97	0	06	52
	101	0	03	35
	104	0	03	68
	105	0	00	40
	106	0	00	40
Gagalheri Mustahkam	107	0	01	92
	178	0	02	04
	179	0	00	42
	180	0	08	88
Chaura Dev	239	0	01	20
634	90	0	01	72
	634	0	00	80

[No. R-25011/7/2003-OR-1]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 20 फरवरी, 2004

का०आ० 407 .—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तरांचल राज्य में जिला हरिद्वार से होकर उत्तर प्रदेश राज्य में सहारनपुर से नजीबाबाद तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाई जाने के प्रयोजन के लिए यह आवश्यक है कि इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाई जाने के संबंध में लिखित रूप में आक्षेप श्री राकेश कुमार सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, सहारनपुर—नजीबाबाद एक्स्टेंशन पाइपलाइन परियोजना, एस.डी.एम. लक्सर का कार्यालय, तहसील लक्सर, हरिद्वार (उत्तरांचल) को भेज सकेगा।

अनुसूची

तहसील : लक्सर		जिला : हरिद्वार		राज्य : उत्तरांचल	
गांव		खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	आर	सेंटीआर
1	2	3	4	5	6
1.	कुड़ी	28	00	00	57
2.	खडंजा कुतुबपुर	693	00	08	93
		750/1	00	02	05
3.	खेडी मुबारकपुर	64/2	00	09	76
4.	खेडी खुर्द	2	00	04	91
5.	रायसी	87	00	01	00
		01	00	01	20
		10	00	00	50
		585	00	00	46
		497	00	03	20
		551	00	00	50
		611	00	07	00
		498	00	02	40
6.	भूरनी खतीरपुर	129	00	03	00
7.	अकोड़ा औरंगजेबपुर	278	00	07	00

[संख्या आर-25011/28/2002-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 20th February, 2004

S.O. 407.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Saharanpur to Najibabad in the State of Uttar Pradesh via District Haridwar (Uttaranchal), a pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Rakesh Kumar Singh, Competent Authority, Indian Oil Corporation Limited, Saharanpur-Najibabad Extension Pipeline Project, Office of the S.D.M. Laskar, Tehsil-Laskar, Haridwar (Uttaranchal).

SCHEDULE

Tehsil : Laksar District : Haridwar State: Uttaranchal

Sl.No.	Village	Khasra No.	Area		
			Hectare	Are	Centiare
1	2	3	4	5	6
1	Kudi	28	00	00	57
2	Khadanja Kutubpur	693	00	08	93
		750/1	00	02	05
3	Khedhi Mubarakpur	64/2	00	09	76
4	Kheri Khurd	02	00	04	91
5	Raisi	87	00	01	00
		01	00	01	20
		10	00	00	50
		585	00	00	46
		497	00	03	20
		551	00	00	50

1	2	3	4	5	6
	611	00		07	00
	498	00		02	40
6	Bhurni Khatirpur	129	00	03	00
7	Akodha Aurangzebpur	278	00	07	00

[No. R-25011/28/2002-OR-1]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 20 फरवरी, 2004

का०आ० 408.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, 5 अप्रैल, 2003 को भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1084 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में, स्तंभ 1 में, "श्री एम. एस. मान, जिला राजस्व अधिकारी एवं भूमि अर्जन क्लक्टर, फरीदाबाद" शब्दों के स्थान पर "श्री शाम लाल तंवर, जिला राजस्व अधिकारी एवं भूमि अर्जन क्लक्टर, फरीदाबाद" शब्द रखे जाएंगे।

[संख्या आर-25011/22/2001-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 20th February, 2004

S.O. 408 .—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1084 published in the Gazette of India on the 5th April, 2003 Namely :—

In the said notification :

In the Schedule, in column 1, for the words "Shri M.S. Mann, District Revenue Officer-cum-Land Acquisition Collector, Faridabad", the words "Shri Sham Lal Tanwar, District Revenue Officer-cum-Land Acquisition Collector, Faridabad", shall be substituted.

[No. R-25011/22/2001-OR-1]

RENUKA KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 6 जनवरी, 2004

का.आ. 409.—जबकि केन्द्रीय सरकार का मत है कि एफडीसी लिमिटेड के प्रबंधन तथा समस्त भारत में मेडिकल रिप्रेजेंटेटिव्स के बीच औद्योगिक विवाद मौजूद है :

और जबकि केन्द्रीय सरकार का मत है कि उपर्युक्त विवाद की प्रकृति ऐसी है कि एक से अधिक राज्य में काम कर रहे मेडिकल रिप्रेजेंटेटिव्स ऐसे विवाद से हितबद्ध हैं, या प्रभावित हैं, और इसका अधिनिर्णयन राष्ट्रीय अधिकरण द्वारा किया जाना चाहिए;

और जबकि केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम मंत्रालय की अधिसूचना संख्या एल-51014/03/2000-आईआर(पीजी) दिनांक 22 मई, 2001 द्वारा एक राष्ट्रीय अधिकरण का गठन किया था जिसका मुख्यालय कोलकाता में होगा और न्यायमूर्ति श्री बी.पी. शर्मा को इसके पीठासीन अधिकारी के रूप में नियुक्त किया था और उक्त अधिनियम की धारा 10 की उप-धारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को अधिनिर्णयन हेतु कुशित राष्ट्रीय अधिकरण को संदर्भित किया था।

और जबकि न्यायमूर्ति श्री बी.पी. शर्मा 31-10-2003 को उपर्युक्त राष्ट्रीय अधिकरण के कार्यभार से कार्यमुक्त हो गए हैं :

इसलिए अब, एक राष्ट्रीय अधिकरण का गठन किया जाता है जिसका मुख्यालय कोलकाता में है और न्यायमूर्ति श्री ऋषिकेश बनर्जी इसके पीठासीन अधिकारी हैं और उपर्युक्त विवाद को अधिनिर्णयन हेतु उक्त राष्ट्रीय अधिकरण को इस निदेश के साथ संदर्भित किया जाता है कि न्यायमूर्ति श्री ऋषिकेश बनर्जी मामले में उस अवस्था से आगे कार्यवाही शुरू करेंगे जिसमें न्यायमूर्ति श्री बी.पी. शर्मा ने उसे छोड़ा था और कानून के अनुसार इसका निपटान करेंगे।

[संख्या एल-51014/03/2000-आईआर(पीजी)]

सिममी चौधरी, उप निदेशक

MINISTRY OF LABOUR

New Delhi, the 6th January, 2004

S.O. 409.—Whereas the Central Government was of the opinion that an industrial dispute existed between the management of FDC Ltd. and the Medical representatives all over India :

And whereas the Central Government was of the opinion that the above dispute was of the nature that Medical Representatives working in more than one State are interested in, or affected, by such a dispute and should be adjudicated by a National Tribunal.

And whereas the Central Government in exercise of the powers conferred by Section 7(B) of the Industrial Disputes Act, 1947 (14 of 1947) constituted a National Tribunal vide Ministry of Labour's Notification No. L-51014/3/2000-IR(PG) dated 22nd May, 2001 with headquarters at Calcutta and appointed Justice Shri B. P. Sharma as its Presiding Officer and in exercise of the powers conferred by Sub-section (1A) of Section 10 of the said Act, referred the said industrial dispute to

the said National Tribunal for adjudication.

And whereas Justice Shri B. P. Sharma relinquished charge of the above said National Tribunal on 31-10-2003:

Now, therefore, a National Tribunal is constituted with headquarters at Kolkata with Justice Shri Hrishikesh Banerji as its Presiding Officer and the above said dispute is referred to the said National Tribunal for adjudication with the direction that Justice Shri Hrishikesh Banerji shall proceed in the matter from the stage at which it was left by Justice Shri B. P. Sharma and dispose off the same according to law.

[No. L-51014/3/2000-IR(PG)]

SIMMI CHAUDHARY, Dy. Director

नई दिल्ली, 23 जनवरी, 2004

का.आ. 410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट [संदर्भ संख्या 2(सी)/98] को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 जनवरी, 2004 को प्राप्त हुआ था।

[सं. एल-12025/1/2004-आईआर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd January, 2004

S.O. 410.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947) the Central Government hereby publishes the award [Ref. No. 2(c)/98] of the Industrial Tribunal Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO bank and their workman, which was received by the Central Government on 23rd January, 2004.

[No. L-12025/1/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA**

Misc. Case No. 2 of 1997

No. 2C of 1998

Shantu Kumar
Complainant

Versus

Shri P. K. Chaturvedi, Divisional
Manager, UCO Bank, Maurya Lok
Complex, Patna.

Opposite Party

For the Complainant : Sri B. Prasad, State Secretary,
UCO Bank Employees
Association.

For the Opposite Party : None.

PRESENT :

PRIYA SARAN, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA.

AWARD

The 12th January, 2004

This is an application U/s. 33A of Industrial Disputes Act, 1947 by the Applicant Sri Shantu Kumar for reinstatement with full back wages.

2. It was urged on worker's behalf that he raised a dispute for the regularisation of his services as a permanent peon in the UCO Bank. The management became vindictive on raising the dispute and so terminated the services of the workman. A Misc. Case U/s. 33A of the Industrial Disputes Act under complaint No. 2 of 97/No. 2C of 98 was then filed with a prayer of reinstatement. While both the case have been pending, the workman espoused a fresh dispute challenging the termination of his services, which has now been referred by the Govt. to this Tribunal for adjudication. In this circumstances, it appears quite sensible and really reasonable that the workman has prayed for the withdrawal of earlier dispute and complaint both. The evidence and the documents on record, if any, do not demand any appreciation or analysis in the circumstances above. As the renewed dispute and reference cover every bit of grievance of the worker I have no hesitation whatsoever to permit the worker withdrawal the dispute/complaint. The Tribunal thus is not required to answer the reference which stands disposed of as withdrawn.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 23 जनवरी, 2004

का.आ. 411.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट [संदर्भ संख्या 3(सी)/98] को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 जनवरी, 2004 को प्राप्त हुआ था।

[सं. एल-12025/1/2004-आई.आर.(बी II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 23rd January, 2004

S.O. 411.—In Pursuance of Section 17 of the In-

dustrial Dispute Act, 1947(14 of 1947) the Central Government hereby publishes the award [Ref. No. 3(c)/98] of the Industrial Tribunal Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO bank and their workman, which was received by the Central Government on 23rd January, 2004.

[No. L-12025/1/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Misc. Case No. 3 of 1997

No. 3C of 1998

Sri Sita Ram Jha

Complainant

Versus

1. Sri M. M. Jawaid, Manager, UCO Bank,
Lalbagh, Darbhanga.

2. Sri P. K. Chaturvedi, Divisional Manager,
UCO Bank, Mauryalok
Complex, Patna.

....Opposite Parties

For the Complainant : Sri B. Prasad, State Secretary,
UCO Bank Employees
Association, Patna

For the Opposite Party : None.

PRESENT :

PRIYA SARAN, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA.

AWARD

The 12th January, 2004

This is an application U/s. 33A of the Industrial Disputes Act, 1947 by the Applicant Sri Sita Ram Jha for reinstatement with full back wages.

2. It was urged on worker's behalf that he raised a dispute for the regularisation of his services as a permanent peon in the UCO Bank. The management became vindictive on raising the dispute and so terminated the services of the workman. A Misc. Case U/s. 33A of the Industrial Disputes Act under complaint No. 3 of 1997/No. 3C of 1998 was then filed with a prayer of reinstatement. While both the cases have been pending, the workman espoused a fresh dispute challenging the termination of his services, which has now been referred by the Govt. to this Tribunal for adjudication. In this circumstance, it appears quite sensible and really reasonable that the workman has prayed for the withdrawal of earlier dispute and complaint both. The evidence and the documents on

record, if any, do not demand any appreciation or analysis in the circumstances above. As the renewed dispute and reference cover every bit of grievance of the worker I have no hesitation whatsoever to permit the worker withdraw the dispute/complaint. The Tribunal thus is not required to answer the reference which stands disposed of as withdrawn.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 23 जनवरी, 2004

का.आ. 412.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट [संदर्भ संख्या 9(सी)/98] को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 जनवरी, 2004 को प्राप्त हुआ था।

[सं. एल-12012/394/95-आई.आर.(बी II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd January, 2004

S.O. 412.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947(14 of 1947) the Central Government hereby publishes the award [Ref. No. 9(c)/98] of the Industrial Tribunal Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO bank and their workman, which was received by the Central Government on 23rd January, 2004.

[No. L-12012/394/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA

Reference No. 23 of 1997

No. 9C of 1998

Management of UCO Bank, Mauryalok Complex, Patna and their workman represented by UCO Bank Employees Association, Exhibition Road, Patna.

For the Management : None.

For the Workman : Sri B. Prasad, State Secretary,
UCO Bank Employees
Association, Patna

PRESENT :

PRIYA SARAN, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA.

AWARD

The 12th January, 2004

By adjudication order No. L-12012/394/95-IR(B-II) dated 7-1-1997 the Government of India, Ministry of Labour, New Delhi has referred, under Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act') the following dispute between the management of UCO Bank, Mauryalok Complex, Patna and their workman Sri Sita Ram Jha for adjudication to this tribunal :—

“Whether the action of the management of UCO Bank in non-regularising the service of Shri Sita Ram Jha is justified? If not, to what relief is the said workman entitled?”

2. It was urged on worker's behalf that he raised a dispute for the regularisation of his services as a permanent peon in the UCO Bank. The management became vindictive on raising the dispute and so terminated the services of the workman. A Misc. Case U/s. 33A of the Industrial Disputes Act under complaint No. 3 of 1997/No. 3C of 1998 was then filed with a prayer of reinstatement. While both the cases have been pending, the workman espoused a fresh dispute challenging the termination of his services, which has now been referred by the Govt. to this Tribunal for adjudication. In this circumstance, it appears quite sensible and really reasonable that the workman has prayed for the withdrawal of earlier dispute and complaint both. The evidence and documents on record, if any, do not demand any appreciation or analysis in the circumstances above. As the renewed dispute and reference cover every bit of grievance of the worker I have no hesitation whatsoever to permit the worker withdraw the dispute/complaint. The Tribunal thus is not required to answer the reference which stands disposed of as withdrawn.

3. Award accordingly.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 23 जनवरी, 2004

का.आ. 413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट

[संदर्भ संख्या 8(सी)/98] को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 जनवरी, 2004 को प्राप्त हुआ था।

[सं. एल-12012/245/95-आई.आर.(बी II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd January, 2004

S.O. 413.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award [Ref. No. 8(c)/98] of the Industrial Tribunal, Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO bank and their workman, which was received by the Central Government on 23rd January, 2004.

[No. L-12012/245/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference No. 12 of 1997

No. 8C of 1998

Management of UCO Bank, Mauryalok Complex, Patna and their workman represented by UCO Bank Employees Association, Exhibition Road, Patna.

For the Management : None.

For the Workman : Sri B. Prasad, State Secretary, UCO Bank Employee Association, Patna

Present : Priya Saran, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 12th January, 2004

By adjudication order No. L-12012/245/95-IR(B-II) dated 30-12-96 the Government of India, Ministry of Labour, New Delhi has referred, under Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act') the following dispute between the management of UCO Bank, Mauryalok Complex, Patna and their workman Sri Santu Kumar Jha for adjudication to this tribunal :—

“Whether the action of the management of UCO Bank, Patna in deying-regularisation of services to Shri Santu Kumar is legal and justified? If not, to what relief the workman is entitled”

2. It was urged on worker's behalf that he raised a dispute for the regularisation of his services as a permanent peon in the UCO Bank. The management became vindictive on raising the dispute and so terminated the services of the workman. A Misc. Case u/s. 33A of the Industrial Disputes Act under complaint No. 2 of 97/No. 2C of 1998 was then filed with a prayer of reinstatement. While both the cases have been pending, the workman espoused a fresh dispute challenging the termination of his services, which has now been referred by the Govt. to this Tribunal for adjudication. In this circumstance, it appears quite sensible and really reasonable that the workman has prayed for the withdrawal of earlier dispute and complaint both. The evidence and the documents on record, if any, do not demand any appreciation or analyses in the circumstances above. As the renewed dispute and reference cover every bit of grievance of the worker I have no hesitation whatsoever to permit the worker withdraw the dispute/complaint. The tribunal thus is not required to answer the reference which stands disposed of as withdrawn.

3. Award accordingly.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 27 जनवरी, 2004

का.आ. 414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27 जनवरी, 2004 को प्राप्त हुआ था।

[सं. एल-40011/3/91-आई.आर.(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 27th January, 2004

S.O. 414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Industrial Tribunal, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 27th January, 2004.

[No. L-40011/3/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 54/91

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय नई दिल्ली का आदेश
क्र. एल. 40011/3/91-आई.आर. (डी.यू.) 27-9-91

श्री बुद्धा सिंह व अन्य द्वारा वार्ड्स प्रेसीडेन्ट. बी.एम.एस. 17/161,
पुरानी मण्डी, अजमेर

..... प्रार्थी

बनाम

एस.डी.ओ. (फोन्स), अजमेर

..... अप्रार्थी

उपस्थित

पीठासीन अधिकारी : आर.सी. वर्मा, आर.एच.जे.एस.

प्रार्थी की ओर से : श्री जे.के. अग्रवाल

अप्रार्थी की ओर से : कोई हाज़िर नहीं

दिनांक अवार्ड : 11-12-2003

अवार्ड

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा यह विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया गया है। प्रार्थी यूनियन ने स्टेटमेंट ऑफ क्लेम पेश कर अभिकथन किया कि विवाद से संबंधित श्रमिकगण सर्वश्री बुद्धा सिंह, गोपाल, श्रवणसिंह, बाबू मोहम्मद, अनवर हुसैन, बख्तावर, नारासिंह, रामलाल एवं शकूर मोहम्मद अप्रार्थी के यहां कैम्पूअल श्रमिकों के रूप में कार्यरत थे। यूनियन का कथन है कि विपक्षी संस्थान ने इन श्रमिकों को वर्ष 1985, 1986, 1987 एवं मई, 1988 की अवधि में कार्य पर रखा था, तथा सभी ने एक वर्ष में 240 दिन से अधिक की सेवाएं सम्पूर्ण कर ली थीं। प्रार्थी यूनियन का अभिकथन है कि विपक्षी द्वारा दिनांक 30-4-88 को श्रमिकगण को एक नोटिस दिया गया जिसमें यह अंकित था कि एक माह बाद उनकी सेवाएं समाप्त कर दी जायेंगी। यूनियन का कथन है कि उपरोक्त अवधि में सभी श्रमिकगण ने 240 दिन से अधिक कार्य किया है। उनका कथन है कि बुद्धा सिंह ने 368 दिन, गोपाल ने 873 दिन, श्रवण सिंह ने 727 दिन, बाबू ने 911 दिन, अनवर हुसैन ने 387 दिन, बख्तावर सिंह ने 692 दिन, रामलाल कुम्हार ने 1142 दिन विपक्षी संस्थान में कार्य किया है, श्री नारासिंह ने 964 दिन उक्त अवधि में कार्य किया है। यूनियन का कथन है कि श्रमिकगण उक्त नोटिस दिनांक 30-4-81 से आश्चर्यचकित हुए जिसमें यह अंकित किया गया था कि उनकी सेवाएं 1-6-88 से समाप्त कर दी जायेंगी क्योंकि केबिल कार्य समाप्त हो गया है। यूनियन का कथन है कि उपरोक्त श्रमिकगण से कनिष्ठ श्रमिकों को सेवा में रखा गया। यूनियन का यह भी कथन है कि कुछ श्रमिकगण ने उपरोक्त नोटिस को माननीय सर्वोच्च न्यायालय में चुनौती दी और स्थगन आदेश प्राप्त कर लिया

जिस आदेश की प्रति पत्रावली पर प्रस्तुत की गई है। यूनियन का कथन है कि उपरोक्त नोटिस पूरी तरह औद्योगिक विवाद अधिनियम, 1947 (जिसे तत्पश्चात् अधिनियम संबोधित किया जायेगा) की धारा 25 (एफ, ए, बी व सी) के विरुद्ध हैं। उनका कथन है कि ऐसे नोटिसेज के जरिये श्रमिक की सेवाएं समाप्त नहीं की जा सकती थी क्योंकि श्रमिकगण ने एक कलेंडर वर्ष में 240 दिवस से अधिक की सेवा विपक्षी के यहां पूर्ण कर ली थी। उनका यह भी कथन है कि माननीय सर्वोच्च न्यायालय द्वारा पी. एण्ड टी. विभाग को दैनिक वेतन भोगी एवं आकास्मिक श्रमिकों के संबंध में निर्देशित किया था कि विभाग ऐसे कर्मचारियों को समायोजित करने की पॉलिसी तैयार करे। यूनियन का यह भी कथन है इस प्रकार श्रमिकगण को सेवा मुक्त किया जाना भारतीय संविधान के आर्टिकल 10.16, व 21 की उल्लंघना है, अतः श्रमिकगण गरीब परिवारों से हैं, अतः दिनांक 30-4-88 द्वारा दिये गये नोटिसेज को खारिज कर श्रमिकगण को पुनः सेवा में लिया जाकर उन्हें नियमित किया जावे तथा समस्त लाभ दिलाये जावें।

2. अप्रार्थी की ओर से बावजूद नोटिस के कोई उपस्थित नहीं हुआ।

3. प्रार्थीगण ने अपने क्लेम के समर्थन में अपने शपथ पत्र प्रस्तुत किये हैं जिसमें सभी श्रमिकगण ने क्लेम के वर्णित तथ्यों को दोहराते हुए अभिकथन किया है कि श्रमिकगण जिस कार्य को सम्पादित कर रहे थे वह स्थाई प्रकृति का है और जब तक विपक्षी संस्थान अस्तित्व में है, तब तक वह कार्य चलने वाला है। उनका यह भी शपथ पत्रों में अभिकथन है कि उन्हें कार्य करते लगभग 4 वर्ष हो गये थे अतः उन्होंने अप्रार्थी से नियमित करने की मांग की, इसी कारण अप्रार्थी ने कार्य होते हुए भी अनुचित श्रम नीति अपनाते हुए व शोषण की नीति अपनाते हुए सेवा से उन्हें पृथक कर दिया। उनका शपथ पत्र में यह भी कथन है कि उन्हें सेवा से पृथक करने से पूर्व अधिनियम की धारा 25 एफ. जी. व एच. के प्रावधानों की पालना नहीं की गई न ही नियम 77 एवं 78 की पालना की गई, साथ ही उन्हें हटाकर नये श्रमिकों को भी अप्रार्थी संस्थान ने कार्य पर लगाया है व श्रमिकगण से कनिष्ठ व्यक्ति उस समय संस्थान में कार्य कर रहे थे, जब प्रार्थी श्रमिकगण की सेवाएं समाप्त की गईं। इस प्रकार उनका कथन है कि चूंकि सभी श्रमिकगण ने प्रत्येक वर्ष में विपक्षी के यहां 240 दिन से अधिक की सेवाएं पूर्ण कर ली हैं, अतः उन्हें समस्त लाभ व पिछले समस्त वेतन सहित सेवा में बहाल किया जावे।

4. इसके पश्चात् मैंने प्रार्थी के विद्वान प्रतिनिधि की बहस सुनी, पत्रावली एवं इस पर उपलब्ध दस्तावेजों व अन्य सामग्री का अध्ययन व परीक्षण किया।

5. प्रार्थी के विद्वान प्रतिनिधि का तर्क है कि चूंकि श्रमिकगण ने अपने साक्ष्य के जरिए यह प्रमाणित किया है कि उन्होंने विपक्षी संस्थान में एक वर्ष में 240 दिवस से अधिक की सेवा पूर्ण कर ली है एवं धारा 25-एफ, जी व एच अधिनियम एवं नियम 77-78 की पालना विपक्षी संस्थान द्वारा नहीं की गई है। ऐसे में श्रमिकगण की सेवा मुक्ति प्रारंभ से ही शून्य है और श्रमिकगण पुनः समस्त लाभ व पिछले वेतन सहित सेवा में बहाल होने के अधिकारी हैं। उनका यह

भी तर्क है कि श्रमिकगण की साक्ष्य अखण्डनीय रही है क्योंकि विपक्षी की ओर से खण्डन में कोई साक्ष्य प्रस्तुत नहीं की गई है, ऐसे में यह प्रमाणित है कि श्रमिकगण पुनः समस्त लाभ व वेतन सहित सेवा में बहाल होने के अधिकारी हैं।

6. मैंने उपरोक्त तर्कों पर विचार किया। यह सही है कि श्रमिकगण की साक्ष्य अखण्डनीय रही है और श्रमिकगण ने अपनी साक्ष्य से यह प्रमाणित किया है कि उन्होंने विपक्षी संस्थान में एक कलैण्डर वर्ष में 240 दिवस से अधिक कार्य किया है। यह भी प्रमाणित है कि श्रमिकगण द्वारा किया जाने वाला कार्य स्थाई प्राकृतिक का है जिसके विरुद्ध आकस्मिक श्रमिकों की नियुक्ति करना अनुचित श्रम नीति एवं शोषण की तारीफ में आता है। अतः न्यायाधिकरण की राय में श्रमिकगण अपने पूर्व पदों पर पुनः सेवा में बहाल होने के व समस्त पिछला वेतन एवं लाभ प्राप्त करने के अधिकारी हैं क्योंकि श्रमिकगण को सेवा पृथक् करने से पूर्व अप्राप्ति द्वारा धारा 25-ए, जी, एच अधिनियम एवं नियम 77-78 की पालना नहीं की गई है। ऐसे में श्रमिकगण की सेवा मुक्ति प्रारंभ से ही शून्य मानी जायेगी।

7. उपरोक्त विवचेन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है :

“सब डिवीजनल ऑफिसर (फोन्स) अजमेर द्वारा श्रमिकगण सर्वश्री अनवर हुसैन, श्रवण सिंह, गोपाल पुत्र श्री शन्दिन जी, शक्कूर मोहम्मद, नारा सिंह, बख्तावर सिंह, उस्मान अली, बाबू मोहम्मद को दिनांक 1-6-88 से सेवा पृथक् किया जाना अनुचित व अवैध है। श्रमिकगण समस्त लाभ व पिछले वेतन तथा सेवा की नियमितता सहित समस्त लाभ प्राप्त करने के अधिकारी हैं।

चूंकि श्रमिक श्री बुद्धा सिंह ने शपथ पत्र पेश कर अपने केस को प्रमाणित नहीं किया है अतः वह किसी राहत को प्राप्त करने का अधिकारी नहीं है।”

8. अवार्ड आज दिनांक 11-12-2003 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

आर.सी. वर्मा, पीठासीन अधिकारी

नई दिल्ली, 28 जनवरी, 2004

का.आ. 415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 115/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2004 को प्राप्त हुआ था।

[सं. एल-12012/258/97-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th January, 2004

S.O. 415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 115/98) of the Central Govt. Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 27-01-2004.

[No. L-12012/258/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI SURESH CHANDRA,
PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 115 of 1998

In the matter of dispute between :

The President
Punjab National Bank Employees Union, U.P.
13-A Keshavkunj, Pratap Nagar
Agra-10

AND

The Regional Manager
Punjab National Bank
Regional Office
Church Compound, Bhajoria Road,
Saharanpur.

AWARD

1. Central Government Ministry of Labour, New Delhi, vide its notification No. L-12012/258/97-IR(B-II) dated 29-6-98 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Punjab National Bank in denying the enhancement of scale wages from 1/3 to 3/4 to Sh. Anchal w.e.f. 27-3-86 to 23-4-93 is just fair and legal? If not, what relief he is entitled to and from what date?”

2. Undisputed facts giving rise to the present controversy are that the workman Sh. Anchal joined the Bank as part time sweeper on 7-8-81. His scale wages increased to 1/3 scale wages of sub-staff w.e.f. 1-1-84. The 1/3 scale wages of the workman enhanced to 1/2 scale wages w.e.f. 20-3-89. It is also not in dispute that as per circular no. 772 dated 17-5-84 a settlement was arrived

at between the management of Punjab National Bank and Union of the employees which was signed by both the representatives of the employer and the employees in the presence of RLC(C) New Delhi and is binding on the parties.

3. The case of the workman is that in the newly opened Regional Office at Saharanpur a vacancy of sweeper was filled up on 3/4 scale wages w.e.f. 27-3-86 by making a fresh appointment. The claim of the workman is that at the time of creation of the vacancy the workman was in service and senior to the man appointed and was thus deprived illegally for his promotion to 3/4 scale wages w.e.f. 27-3-86. When he came to know of it he moved the labour department which resulted in the present reference for adjudication of the industrial dispute as per order of the competent authority.

4. The claim of the workman was contested by the opposite party bank mainly on two grounds that on the newly opened branch and newly created post a fresh appointment was made on the basis of Thikana system prevalent in the area and the claim having been lodged after lapse of 10 years is not entertainable and that the workman is not entitled for any relief as claimed in the present case.

5. Both parties lead oral as well as documentary evidence in support of their respective case.

6. Heard the parties at length through their respective ARs and have gone through the record.

7. Stress by the management has been laid down heavily on the ground that the present relief as claimed by the workman is not entertainable as the same is being sought after lapse of 10 years period. In support of their arguments the management has relied upon the law reported in 1996 Lab IC page 45 in the case of Balwant Singh versus Labour Court Bhatinda and others wherein the Hon'ble High Court of Punjab & Haryana has been pleased to lay down that the labour court has jurisdiction to decline the relief of the basis of belated claim. Similar view has been taken by the Hon'ble High Court of Allahabad in a case reported in 1998 Lab IC page 1702 in the case of UPSEB and others versus P.O. Labour Court, wherein the Hon'ble High Court was of the view that the management cannot be taken by surprise after such long time.

8. In both the laws cited and relied upon by the management the facts are that the workman agitated their claim for illegal termination of their service after expiry of 5 and 8 years respectively. The facts of the case cited above by the management are entirely different from the facts of the case in hand. In the pending case the matter is of enhancing the scale and not considering the candidature of the workman and instead a fresh appointment made.

Thus the management cannot take any advantage by the law cited by them.

9. Admittedly the contesting parties of the present dispute are bound by the settlement arrived at between them in the year 1984 in presence of RLC(C) New Delhi. The management has categorically accepted that the fresh appointment was made on account of the prevalent Baithaki System when a newly office was opened in the Cantt. area of Saharanpur District. Thus it is, apparent that the onus to prove that *baithaki*-System was in existence is on the management when the appointment was made. The management has not filed any documentary evidence to the effect that any Baithaki System was prevalent those days. Further as per the settlement arrived at and binding on the parties, sub-clause (3) of clause (2) of the agreement, it is provided that those who are working under Thikana System may also be considered for posting on higher wages as and when a vacancy of sweeper arises on the basis of city wise seniority provided that the concerned candidates gives an undertaking to the effect that the bank will be at liberty to appoint any one else at the office and the applicant and his family/associate would not make any claim of whatsoever nature in respect to this appointment in the office on the basis of Thikana system. Obviously no such undertaking was obtained by the bank from the workman Sri Anchal as such the management has failed miserably to prove the fact of Baithaki/Thikana System prevalent in the area amongst sweeper class or community and the management had obtained a no objection undertaking from the workman before making appointment of a fresh candidate. Further if the Baithaki System or Thikana System, though not proved, was prevalent for the sake of arguments, the management has not taken care of to obtain a no objection undertaking from the workman. Thus the fact of the bank management in appointing some one else instead of considering the candidature of senior sweeper Sri Anchal the concerned workman for upgrading, cannot be held to be just fair and legal. The workman is, therefore, held entitled for the scale wages from 1/3rd to 3/4th w.e.f. 27-3-86 to 23-4-93.

10. The workman, is therefore, held entitled to get the enhanced scale wages as per schedule of the reference order for the period mentioned therein.

11. Reference is answered accordingly against the management bank and in favour of the workman.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 28 जनवरी, 2004

का.आ. 416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलीफोन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार अधिकरण

कोलकाता के पंचाट [संदर्भ संख्या 12/96] को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2004 को प्राप्त हुआ था।

[सं. एल-40012/13/95-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 28th January, 2004

S.O. 416.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 12/96) of the Central Govt. Industrial Tribunal-cum-Labour Court, Kolkata now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Calcutta Telephones and their workman, which was received by the Central Government on 28-01-2004.

[No. L-40012/13/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, AT KOLKATA**

Reference No. 12 of 1996

Parties : Employers in relation to the management of Calcutta Telephones

AND

Their Workmen

Present :

Mr. Justice Hrishikesh Banerji :

Presiding Officer

Appearance :

On behalf of management : Mr. T. Chowdhury,
Advocate.

On behalf of Wrokman : Mr. M. Dutta,
Advocate.

State : West Bengal

Industry : Telephones.

Dated : 16th January, 2004

AWARD

By Order No. L-40012/13/95-IR(DU) dated 24th April, 1996 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 (1947 Act in short) referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Calcutta Telephones in terminating the services of Shri Ashutosh Dey is legal and justified? If not, to what relief the workman is entitled?”

2. Shri Ashutosh Dey, who was appointed a casual workman initiated this reference challenging the management's order terminating the service of the said workman. Such termination, it is alleged was without any reason what-so-ever and was done in contravention of Section 25F of the 1947 Act. The workman avers that he had been working under the Calcutta Telephones with full satisfaction of his superiors and that he had a clean and meritorious record of service of about three years in the Company. The Company, however, all on a sudden verbally terminated his service with effect from 07-04-1994 contravaining the mandatory provisions of Section 25F of the 1947 Act. It is stated by the workman that from the date of his appointment, i.e., 26-08-1991 till the termination with effect from 07-04-1994 he had been continuously performing perennial nature of job with tool carts under the direct control of the concerned Telecom Officers of the Company. The workman further alleges that the termination of his service with effect from 07-04-1994 is tantamount to retrenchment within the meaning of Section 2(oo) of the 1947 Act and that the management also failed to pay retrenchment compensation and/or pay in lieu of notice. Thus, since the workman completed more than 240 days' work preceding the retrenchment, the said action of the management is void and inoperative.

3. The workman as WW-1 has stated that he was engaged as a casual worker in 35/36 Exchange of Calcutta Telephones for the purpose of upgradation of telephone lines with effect from 26-08-1991. He further stated that his working hours were from 9/9.30 A.M. to 6/6.30 P.M. daily; that he used to sign the attendance register every day and that Bhanu Chowdhury (MW-2) used to maintain the attendance register. He has stated that they were paid monthly wages and that the management terminated his service on 09-08-1994. He further states that he worked continuously during the period of his service and that he had put in more than 240 days' service. Stating that he has not been working elsewhere, he prays that he is entitled to be reinstated in service with back wages. In his cross-examination the workman denied that no attendance register was maintained. The workman also denied that he was engaged by Mr. Bhanu Chowdhury as a casual labour for the first time on 02-12-1991. He also denied the management's allegation that he did not join the service on 26-08-1991. He also denied that no work was allotted for him on and from 19-03-1993 and that he only worked for 15 days in December, 1991. He denied the suggestion that he had worked for 22 days in February 1992, 20 days in March 1992, 20 days in April 1992, 14 days in June 1992, 14 days in July 1992, 12 days in October 1992, 12 days in November 1992 and 4 days in March, 1993. He denied the management's statement that he worked for 166 days only during the entire period of his service with the Calcutta Telephones from 02-12-1991 to 19-03-1993.

4. It is stated by the management in the written statement that the upgradation work aforesaid was completed in March, 1993 and the workman was disengaged in March, 1993. It is stated by the management that the workman never worked continuously, nor completed 240 days continuous service. He was also not engaged for continuous period of 12 calendar months. Since he was engaged to serve a particular purpose of Calcutta Telephones, the workman is not entitled to any relief from this Tribunal by way of reinstatement and back wages. It is also stated that the workman was disengaged in the month of March, 1993 and not on 07-04-1994 as alleged by him.

5. MW-1, Shri Jayanta Kumar Roy was posted as Junior Telecom Officer in 1991 and 1992, to 35/36 Exchange. Ashutosh Dey worked under him as casual labour from 02-12-1991 to 14-11-1992 and during this period the workman worked for a total period of 100 days. The said workman was appointed for upgradation work under both Jayanta Kumar Roy and Bhanu Chowdhury who were directly involved in the said work. The work of upgradation came to an end in November, 1992 and the concerned workman never worked under Jayanta K. Roy in 1993 and 1994. In his cross-examination this witness stated that he could not produce any paper for upgradation work as the order was verbal. He further deposed that the papers in the Accounts Department would show the duration of the upgradation work. This witness denied that the workman worked for more than 240 days in 1993 and 1994. This witness also stated that the attendance of the casual workers used to be recorded in the rough notes, which were destroyed after the preparation of the ACG-17 vouchers. The witness denied that they used to maintain attendance register for the casual workmen. He also denied that the workmen worked from 1991 to 1994 continuously.

MW-2, Shri Bhanu Chowdhury, Junior Telecom Officer of 35/36 Exchange deposed that the workman started working in December, 1991 and worked with breaks upto November, 1992, the year in which the upgradation work was over. After 1992 the workman was not required to be retained. This witness further stated that the workman was not working continuously during the period of his employment. He worked for 54 days under the said J.T.O., Bhanu Chowdhury.

MW-4, Shri Ranjit Acharya was S.D.O.P. Ultadanga Sub-Division under Manicktala Exchange of Calcutta Telephones. He deposed that he took charge of upgradation work on 13th February, 1991 and that the job of upgradation was completed in November, 1992. This witness stated that Ashutosh Dey was a casual worker at Manicktala Exchange and that he was engaged in the work of upgradation. He worked for such upgradation for 162 days. Thereafter in the month of

March, 1993 he worked for 4 days when there was a break-down. He worked there from December, 1991 to November, 1992. Such work was performed by him with breaks. In his cross-examination, this witness stated that some of the vouchers were missing and those were not filed in the present proceeding. The witness denied the suggestion that several vouchers had been withheld and suppressed purposely in order to make out a case that the workman had worked only for 162 days.

6. ACG-17 vouchers and ACE-2 accounts which have been admitted into evidence on behalf of the management are marked Exts. M-1 to M-14. From these vouchers and accounts it appears that the workman performed work for 15 days in December 1991, 22 days in February 1992, 20 days in March 1992, 20 days in April, 1992, 14 days in June 1992 and also for 18 days for which payment was made on 19-06-1992, 14 days in the month of July 1992 and also for 15 days for which payment was made on 14-09-1992, 12 days in the month of October, 1992, 12 days in the month of November 1992 and only for 4 days in the month of March 1993. Thus, the total period of engagement of the workman has been for the period of 166 days.

7. Ext. W-1 is the letter from the workman addressed to the Divisional Engineer (Telephones), Calcutta Telephones. In this letter the workman states that although he completed more than 240 days' work, his service was terminated without complying with the mandatory provisions of Section 25F of the 1947 Act. He further states that the attendance register kept and maintained by the S.D. O. (P), produced would show that he completed more than 240 days' work preceding to his retrenchment with effect from 07-04-1994.

8. Mr. Chowdhury appearing for the management referred to the decision of the Hon'ble Supreme Court reported in AIR 1997 SC 3057 (Himanshu Kumar Vidyarthi & Ors. v. State of Bihar) wherein the Hon'ble Supreme Court has held as follows :

"... When the appointments are regulated by the statutory rules, the concept of "industry" to that extent stands excluded. Admittedly, they were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. Under these circumstances, their disengagement from service cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of "retrenchment" therefore, cannot be stretched to such an extent as to cover these employees. The learned counsel for the petitioners seeks to contend that in the High-Court, the petitioners did not contend that it is a case of retrenchment but termination of their services is arbitrary. Since they are only daily-wage employees

and have no right to the posts, their disengagement is not arbitrary.”

In AIR 1981 SC 1253 (Mohan Lal v. Management of Bharat Electronics Ltd.) referred to by Mr. Chowdhury, It has been held by the Hon’ble Supreme Court that before a workman can complain of retrenchment being not in consonance with Section 25-F he has to show that he has been in continuous service for not less than one year under that employer who has retrenched him from service. It has been further held that Section 25B is the dictionary clause for the expression “continuous service”.

7. Mr. Dutta appearing for the workman referred to the decision in 2000 (2) CHN 590. This case is clearly distinguishable in-as-much as the workman in the said case had continuously worked for more than 240 days; but in the case in hand the workman is found to have worked for 166 days during the period from 1991 to 07-04-1994.

Mr. Dutta also referred to the Supreme Court decision in 1985-II-LLJ 539 at page 542 where it has been held that Section 25F of the 1947 Act is plainly intended to give relief to retrenched workman and the qualification for such relief is that the workman should be employed in an industry and has been in continuous service for not less than one year under an employer. It has been further held there that what is continuous service has been defined and explained in Section 25B of the 1947 Act. It was observed in the said decision as follows :

“... a workman who is not in continuous service for a period of one year shall be deemed to be in continuous a period of twelve calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than 240 days. ...”

The decision of the Hon’ble Supreme Court in 1980-I-LLJ 137 (Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha) is not applicable to the facts of the present case as it is found from the said decision that the management terminated the services of all the workmen.

Mr. Dutta also referred to the Supreme Court decision reported in 1978-I-LLJ-322 where it has been held “... In industrial Law, interpreted and applied in the perspective of Part IV of the Constitution, the benefit of reasonable doubt on law and facts, if there be such doubt, must go to the weaker section, labour.”

8. Considering the submission made by the learned Advocates appearing for the parties, I find that the workman had worked only for 166 days during the period of his employment from 02-12-1991 to 19-03-1993.

Section 25B of the 1974 Act contains the definition of continuous service as follows :—

“25B. Definition of continuous service—For the purpose of this Chapter—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case;

As the workman worked for 166 days only during the period from 1991 to 19-03-1993 with breaks, it cannot be said that his service during the aforesaid period has been continuous within the meaning of either Section 25B (1) or 25B (2)(a)(ii) of the 1947 Act. The workman, therefore, is not entitled to any retrenchment compensation and notice/notice pay as per Section 25F of the 1947 Act.

9. The decisions reported in 1976-I-LLJ 478 (State Bank of India v. N. Sundaramoney), 1986-I-LLJ 127 (Shri H.D. Singh V. Reserve Bank of India) and 1983-I-LLJ 415 (Shambu Nath Goyal v. Bank of Baroda & Ors.) cited by Mr. Dutta are not applicable to the facts of the present case.

10. In view of the above, it is held that the action of the management of Calcutta Telephones in terminating the services of the workman, Shri Ashutosh Dey is lawful and justified and as such the workman is not entitled to any relief.

HRISHIKESH BANERJI, Presiding Officer

Dated, Kolkata,

The 16th January, 2004.

नई दिल्ली, 28 जनवरी, 2004

दिनांक : 20-12-2003

का.आ. 417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अधीन अनुसरण में केन्द्रीय सरकार, दूरदर्शन केन्द्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2004 को प्राप्त हुआ था।

[सं. एल-42012/175/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 28th January, 2004

S.O. 417.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in annexure in the industrial dispute between the employers in relation to the Management of Doordarshan Kendra and their workman, which was received by the Central Government on 28-1-2004.

[No. L-42012/175/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबन्ध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : अतुल कुमार जैन, आर एच जे एस

प्रकरण संख्या-सी आई टी आर-01/01

(केन्द्र सरकार का रेफरेंस पत्र क्र. एल-42012/175/2000 आईआरडीयू नई दिल्ली, दिनांक 30-10-2000)

सुनील कुमार पुत्र रामजीलाल (फरियादी ने जाति व उम्र नहीं बताया है)

निवासी-मकान नं. 1366/28, भगवानगंज, अजमेर

.....प्रार्थी

बनाम

1. निदेशक, जयपुर दूरदर्शन केन्द्र, जयपुर
2. दर्शक अनुसंधान अधिकारी, जयपुर दूरदर्शन, जयपुर

.....अप्रार्थीगण

उपस्थित : श्री कैलाश शर्मा, एडवोकेट, प्रार्थी की ओर से।

श्री तेजप्रकाश शर्मा, एडवोकेट, अप्रार्थीगण की ओर से।

अवाई

इस प्रकरण में केन्द्र सरकार से प्राप्त श्रम विवाद (रेफरेंस) इस प्रकार था कि क्या विपक्षीगण द्वारा अपने भूतपूर्व पार्ट टाइम सर्वेयर सुनील कुमार की दि. 25-5-99 से की गई सेवामुक्ति वैध तथा उचित थी यदि नहीं तो प्रार्थी क्या अनुतोष पाने का अधिकारी है ?

उक्त रेफरेंस प्राप्त होने पर प्रार्थी सुनील कुमार ने अपने स्टेटमेंट ऑफ क्लेम दि. 20-3-01 को हमारी न्यायालय में पेश किया था। विपक्षीगण ने क्लेम का जवाब दि. 13-8-01 को पेश किया था। क्लेम के समर्थन में प्रार्थी ने खुद का शपथ पत्र दि. 25-1-02 को पेश किया था तथा अधिवक्तागण ने दि. 27-3-02 को उससे जिरह पूरी की थी। विपक्षीगण की ओर से उनके प्रशासनिक अधिकारी के.एस. राठौड़ का शपथ पत्र दि. 19-4-03 को पेश किया गया था एवं दि. 6-9-03 को विपक्षी के उक्त गवाह से प्रार्थी ने अपनी जिरह पूरी की थी। दस्तावेजी सबूत में प्रार्थी ने एक श्रम विभाग की एक पर्ची प्रदर्श डब. 1 दर्शक अनुसंधान अधिकारी के पत्र की फोटो कॉपी प्रदर्श डब. 2 कार्यालय टिप्पणी का कागज प्रदर्श डब. 3 प्रार्थी के वकील द्वारा दिए गए नोटिस की कॉपी प्रदर्श डब. 4 एवं दर्शक अनुसंधान अधिकारी द्वारा जारी पत्र की कॉपी प्रदर्श डब. 5 की भांति प्रदर्शित कराए गए हैं। विपक्षीगण की ओर से के.सी. देवरिया के पत्र की फोटो कॉपी प्रदर्श एम-1 तथा रिक्त अधिसूचना पत्र की फोटो कॉपी प्रदर्श एम-2 पेश की है।

उभय पक्ष ने इस प्रकरण में अपनी मौखिक बहस के अलावा बहस का लिखित सारांश भी न्यायालय के अनुरोध पर पेश किया है, जो पत्रावली में शामिल है।

प्रार्थी का कहना है कि उसने विपक्षीगण के यहां पार्ट टाइम सर्वेयर के पद पर 19-4-98 से 25-9-99 तक की अवधि में लगातार 525 दिन कार्य किया था तथा विपक्षीगण ने उसे धारा 25फ औद्योगिक विवाद अधिनियम की अवहेलना करते हुए दि. 27-9-99 को सेवा से निकाल दिया। प्रार्थी का यह भी कहना है कि उसे हटाने के बाद विपक्षीगण ने छः कर्मचारियों को पुनः उसी कार्य पर उन्हीं शर्तों पर लगाया गया जिन्हें भी बाद में विपक्षीगण ने सेवा से हटा दिया।

विपक्षीगण का कहना है कि प्रार्थी को केवल मात्र आकस्मिक कार्य की आवश्यकता की पूर्ति हेतु निश्चित उद्देश्य एक निश्चित समयावधि हेतु कांट्रैक्ट पर आकस्मिक श्रमिक के रूप में रखा गया था तथा उसे सेवा से हटाना रिट्रेंचमेंट की परिभाषा में नहीं आता है। विपक्षीगण का यह भी कहना है कि कुल दो वर्षों में अजमेर डार्ट रेटिंग का संग्रहण 33 अवसरों पर ही किया गया था अतः प्रार्थी का यह दावा कि उसने सेवाकाल में विपक्षीगण के यहां 525 दिन कार्य किया, पूर्णतः गलत है। विपक्षीगण का कहना है कि सितम्बर 1999 में अजमेर शहर में डार्ट सर्वे बंद कर दिया गया था अतः सभी अंशकालीन सर्वेयरों का प्रार्थी के साथ ही सर्वेक्षण कार्य बंद हो गया था। विपक्षीगण का कहना है कि अजमेर शहर में डार्ट सर्वेक्षण जब शुरू किया गया तब प्रार्थी समझौता अधिकारी के यहां श्रम विवाद दर्ज करवा चुका था अतः प्रार्थी को सर्वेक्षण कार्य के लिए नहीं बुलाया गया था। विपक्षीगण का कहना है कि सर्वेक्षण हेतु

चयनित अभ्यर्थी को एक डायरी निर्धारित प्रपत्र में एक सप्ताह में सर्वेक्षण कार्य पूरा किए जाने हेतु एक डायरी दी जाती थी जिसमें वांछित सूचना भरने के बाद सप्ताह के अंतिम दिन सर्वेक्षण डायरी अभ्यर्थी एकत्र करके विपक्षीगण को वापस सौंपते थे। विपक्षीगण का कहना है कि दूरदर्शन विभाग का दर्शक अनुसंधान एकांश पूरे वर्ष आवश्यकतानुसार समय समय पर विभिन्न शहरों एवं क्षेत्रों में सर्वे कार्य करता रहता है तथा इस कार्य में एक महीने में सिर्फ दो दिनों में चार-पांच घंटे कार्य करना होता था और उसके अनुसार ही अभ्यर्थी को चैक द्वारा भुगतान किया जाता था। विपक्षीगण का कहना है कि सीजनल कार्य के लिए संविदा के तहत निश्चित अवधि के लिए रखे गए पार्ट टाइम श्रमिक को 240 दिन का सेवाकाल होना नहीं माना जाना चाहिए।

प्रार्थी का कहना है कि उसने तो विपक्षीगण के यहां 525 दिन तक पार्ट टाइम सर्वेयर के रूप में कार्य किया है अतः उसे धारा 25एफ औद्योगिक विवाद अधि. 1947 का लाभ दिया जाकर विपक्षीगण के यहां सेवाकाल में पुनः बहाल किया जावे।

इसमें कोई संदेह नहीं है कि पार्ट टाइम काम करने वाला व्यक्ति भी वर्कमैन की परिभाषा में आता है, इस संबंध में 1991 (2) आर एलआर 326 कन्हैयालाल/स्टेट ऑफ राज. की नजीर प्रार्थी ने हमारे समक्ष पेश की है। उल्लेखनीय है कि उक्त नजीर में पिटीशनर कन्हैयालाल 11 रु. प्रतिदिन के दैनिक वेतन पर प्रतिदिन आठ घंटे की ड्यूटी चतुर्थ श्रेणी कर्मचारी के रूप में राज्य सरकार में देता था। इस प्रकार से उस नजीर में कर्मचारी एक पार्ट टाइम कर्मचारी न होकर पूर्णकालिक दैनिक वेतन भेगी कर्मचारी था। उक्त वजह से उक्त नजीर में पार्ट टाइम कर्मचारी के अधिकारों की विवेचना विवादित नहीं थी।

पार्ट टाइम कर्मचारी को वर्कमैन तो माना जा सकता है लेकिन पार्ट टाइम कर्मचारी को धारा 25एफ औद्योगिक विवाद अधिनियम का लाभ लेने के लिए सेवामुक्ति के तुरंत पूर्व के एक वर्ष की अवधि में 240 दिन तक लगातार कार्य करना प्रमाणित करना होता है। एक दिन सामान्यतः आठ घंटे का माना जाता है। एक व्यक्ति जो रोजाना केवल मात्र एक या दो घंटे काम करता है या एक सप्ताह में केवल मात्र तीन-चार घंटे काम करता है, धारा 25 एफ औद्योगिक विवाद अधि. 1947 का लाभ पाने के लिए एक वर्ष की अवधि में 240 दिन का अपना सेवाकाल साबित नहीं कर सकता है। वैसे भी एक व्यक्ति चार जगह प्रतिदिन दो घंटे के हिसाब से साल भर काम करे तो क्या चारों जगह वह परमानेंट हो जाने का अधिकारी हो जावेगा या क्या चारों नियोजकों के खिलाफ उसे धारा 25एफ आई. डी. एक्ट 1947 का लाभ मिल सकेगा? जाहिर है कि उक्त प्रकार के मामलों में वर्कमैन को धारा 25 एफ औद्योगिक विवाद अधिनियम 1947 का लाभ नहीं मिल सकेगा। औद्योगिक विवाद अधिनियम में परमानेंट पार्ट टाइम कर्मचारी रखे जाने का प्रावधान नहीं है।

प्रार्थी ने 2003 (4) एलएलएन पेज 810 (राज.) म्युनिसिपल बोर्ड, भरतपुर/लेबर कोर्ट, भीलवाड़ा की नजीर भी उल्लेखित की है। उक्त नजीर पार्ट टाइम कर्मचारियों के संबंध में नहीं थी। प्रार्थी ने तीसरी नजीर ए. आई. आर. 1982 दिल्ली पेज 220 मैसर्स सुंदर इंड./जनरल

इंजिनियरिंग वर्क्स पेश की है जिसमें शपथ पत्र की तस्दीक में खामियां होने पर उस शपथ पत्र को साक्ष्य में नहीं पढ़े जाने के निर्देश दिये गये थे।

दस रुपये प्रतिदिन पाने वाले एक पार्ट टाइम कर्मचारी को धारा 25एफ औद्योगिक विवाद अधिनियम 1947 का लाभ एक प्रकरण में हमारी न्यायालय में भेरे पूर्वाधिकारी ने दिया था जिसे भी माननीय राज. उच्च न्यायालय ने एस. बी. सिविल रिट नं. 4001/2002 डिप्टी डायरेक्टर एलीमेंट्री एज्युकेशन के मामले में दि. 17-2-03 को स्टे कर दिया है।

उक्त संपूर्ण विवेचन से यह सिद्धांत सामने आता है कि पार्ट टाइम कर्मचारी को वर्कमैन भले ही मान लिया जावे, 240 दिनों की गणना के लिए उसने आठ घंटे प्रतिदिन के हिसाब से 240 दिन कार्य करना आवश्यक होगा हालांकि रविवार व सवैतनिक देय अवकाश भी उसके कार्य दिवसों में गिने जा सकेंगे।

अब हमें वर्तमान प्रकरण में यह देखना है कि क्या प्रार्थी ने सेवामुक्ति के तुरंत पूर्व एक वर्ष में 240 दिन या अधिक दिनों तक आठ घंटे प्रतिदिन के हिसाब से विपक्षी के यहां कार्य किया है। प्रार्थी ने क्लेम में तो केवल मात्र यह लिखाया है कि उसने 19-4-98 से 25-9-99 की लगभग डेढ़ वर्ष की अवधि में विपक्षी के यहां लगभग 525 दिन पार्ट टाइम काम किया था जिसमें उसे 10/- रु. प्रति प्रश्नावली की दर से वेतन जरिये चैक दिया गया था। विपक्षी ने अपने जवाब में पृष्ठ 5 पर दूसरे पैरा में यह लिखाया है कि प्रार्थी को दि. 19-4-98 से 25-9-99 के बीच साप्ताहिक आधार पर सर्वेक्षण डायरियां दी गयी थी परंतु उल्लेखनीय है कि साप्ताहिक सर्वेक्षण कार्य में मात्र दो या तीन घंटे का ही वास्तविक कार्य होता है न कि पूरे सप्ताह का और उसी के आधार पर समय समय पर चैक द्वारा भुगतान किया जाता रहा है। विपक्षीगण ने पैरा सं. 3 में लिखाया है कि कुल दो वर्षों में हार्ट रेटिंग का संग्रहण कार्य 33 अवसरों पर ही किया गया था अतः प्रार्थी का यह कहना कि उसने उक्त अवधि में 525 दिन कार्य किया हो, पूर्णतः गलत है। विपक्षीगण ने क्लेम के जवाब के पैरा सं. 16 में अंकित किया है कि अजमेर हार्ट रेटिंग का कार्य महीने में एक दो बार ही संग्रहण होता था इसलिए प्रार्थी को महीने में सिर्फ दो दिन तक कुल समय चार-पांच घंटे कार्य करना होता था।

अब हम इस संबंध में प्रार्थी सुनील कुमार के बयानों तथा विपक्षीगण के गवाह के. एस. राठौड़ के बयानों का अवलोकन करेंगे। जिरह में पृष्ठ सं. 2 पर फरियादी सुनील कुमार ने स्वीकार किया है कि नित्य वह एक अथवा दो घंटे सर्वे का काम करता था तथा फिर घर चला जाता था वह कहता है कि डायरी एक सप्ताह बाद वह दूरदर्शन वालों को दे देता था तथा दूरदर्शन वाले भुगतान का चैक डाक द्वारा भेज दिया करते थे। जिरह में वह कहता है कि वर्ष 1998 में उसने कितने दिन काम किया उसे पता नहीं है उल्लेखनीय है कि सेवामुक्ति के तुरंत पूर्व के एक वर्ष में 240 दिन या अधिक दिनों तक लगभग आठ घंटे प्रतिदिन कार्य करना साबित करने का सिद्धांत धारा 25एफ औद्योगिक विवाद अधिनियम 1947 का लाभ लेने के लिए प्रार्थी श्रमिक का होता है। इस संबंध में माननीय सर्वोच्च न्यायालय के निम्न निर्णय उल्लेखनीय है। (1)

एआईआर 2002 सुप्रीम कोर्ट 1147 रेंज फॉरिस्ट ऑफिसर/स्टेट ऑफ कर्नाटका (2) एआईआर 1981 सुप्रीम कोर्ट पेज 1253 मोहनलाल बनाम मैनेजमेंट ऑफ भारत इलेक्ट्रॉनिक तथा 2003 एलएल आर सुप्रीम कोर्ट पेज 1 यूपीएई जगदीश प्रसा/कनक आदि।

इस प्रकार हम देखते हैं कि प्रार्थी ने अपने बयान में यह प्रमाणित नहीं किया है कि सेवामुक्त के तुरंत पूर्व की एक वर्ष की अवधि में 240 दिन या उससे अधिक समय तक लगभग आठ घंटे प्रतिदिन विपक्षीगण के यहां कार्य किया है। इस संबंध में विपक्षीगण के गवाह के. एस. राठौर प्रशासनिक अधिकारी, जयपुर दूरदर्शन, जयपुर के बयानों का भी हम अवलोकन करें तो उसमें उक्त गवाह से प्रार्थी पक्ष ने तेरह पृष्ठों की जिरह करने के बावजूद कहीं भी यह साबित नहीं कराया है कि विपक्षी के यहां प्रार्थी ने सेवामुक्ति के तुरंत पूर्व के एक वर्ष में 240 दिन या अधिक समय तक कार्य किया हो या नित्य उसने उक्त अवधि में लगभग आठ घंटे प्रतिदिन कार्य किया हो। इसके विपरीत उक्त गवाह ने जिरह के पृष्ठ नौ पर यह स्पष्ट किया है कि प्रार्थी हफ्ते में केवल दो बार एक अथवा दो घंटे के लिए आता था अतः उसका कार्य दिनों में नहीं गिना जा सकता था। उक्त गवाह ने कहा है कि यह गलत है कि तैतीस अवसरों पर सात दिन प्रति अवसर कार्य करने से विपक्षीगण द्वारा 231 कार्यदिवसों में कार्य किया गया हो। उक्त गवाह ने अपने बयानों में स्पष्ट रूप से कहा है कि प्रार्थी को सीजनल/इंटरमिटेंट कार्य के लिए मौखिक संविदा का पार्ट टाईम कार्य के रूप में प्रश्नावलियों का दर्शकों से उत्तर तैयार करवाने के लिए दस रुपए प्रति प्रश्नावली की दर से कार्य दिया गया था तथा उसके कार्यकाल में कुल तैतीस प्रश्नावलियां दूरदर्शन विभाग ने जारी की थीं इस प्रकार अधिक से अधिक प्रार्थी को 330/- रुपए का भुगतान संभवतः था यदि उसने सभी तैतीस प्रश्नावलियों के उत्तर दर्शकों से कलेक्ट करके विपक्षीगण के यहां जमा कराये हों। प्रार्थी ने उक्त तथ्य भी साबित नहीं किया है।

जहां तक विपक्षीगण के गवाह के शपथ पत्र की नियमानुसार तस्दीक का प्रश्न है, विपक्षीगण के शपथपत्र से लंबी प्रार्थी द्वारा की गयी जिरह जो तेरह पृष्ठों में अंकित की गयी है उक्त शपथपत्र जिरह में विश्वास क्यों नहीं किया जावे, इस संबंध में प्रार्थी कुछ नहीं कह सका है। गवाह के. एस. राठौर का शपथपत्र भी प्रथमतः उचित प्रकार से तस्दीक किया गया प्रतीत होता है।

प्रार्थी द्वारा पेश किये गये दस्तावेजात् प्रदर्श डब. 1 लगायत प्रदर्श डब.5 से भी प्रार्थी के तर्कों को कोई बल नहीं मिलता है।

उक्त संपूर्ण विवेचन के आधार पर यह कहा जा सकता है कि प्रार्थी सुनील कुमार अपने आपको धारा 25एफ औद्योगिक विवाद अधि. 1947 के प्रावधानों का लाभ लेने के लिए हकदार होना साबित नहीं कर सका है। विपक्षीगण द्वारा उसे मौखिक संविदा के तहत पीस रेट वर्क दिया जाता था जिसे वह एक सप्ताह में एक या दो घंटे में कार्य करके पूरा कर लेता था। प्रार्थी इस प्रकार अपना 240 दिवस का कार्यकाल नियमानुसार साबित नहीं कर सका है।

तदनुसार अवार्ड इस प्रकार पारित किया जाता है कि प्रार्थी सुनील कुमार विपक्षीगण से अपनी सेवामुक्ति दि. 25-9-99 के संबंध में किसी प्रकार का कोई अनुतोष प्राप्त करने का हकदार नहीं है। दिनांक 25-9-99 के बाद विपक्षीगण द्वारा उसे संविदा पर काम नहीं दिया जाना किसी प्रकार से अनुचित या अवैधानिक नहीं था।

दिनांक 20-12-2003

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 29 जनवरी, 2004

का.आ. 418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, साऊथ ईस्टर्न रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. नं. 36/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2004 को प्राप्त हुआ था।

[सं. एल-41014/01/2004-आई आर(बी.1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th January, 2004.

S.O. 418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 36/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in annexure in the industrial dispute between the employers in relation to the Management of South Eastern Railway and their workman, which was received by the Central Government on 28-1-2004.

[No. L-41014/01/2004-IR(B.1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

PRESENT:

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 22nd day of December, 2003

INDUSTRIAL DISPUTE L.C.I.D. NO. 36/2002
(old I.D. No. 12/2001 Transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

Between:

Sri Dasari Appa Rao,
S/o Lat Perayya,
R/o Totapalem,
Vizianagaram,
Vizianagaram District.

—Petitioner

AND

The Divisional Railway Manager,
South Eastern Railway,
Waltair,
Visakhapatnam.

Respondent

Appearances:

For the Petitioner : Sri M. Siva Prasada Rao
Advocate

For the Respondent : M/s Badrinath & Madan
Mohan, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 by the Industrial Tribunal cum Labour Court, Visakhapatnam in view of the judgment of the Hon'ble high court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 12/2001 and renumbered in this Court as L.C.I.D. No. 36/2002 and notices were issued to the concerned parties.

2. That the Petitioner was working as casual Khalasi for a long period of 32 years from 25-6-64 to 13-6-96. As per available documents with the above workman, the workman has worked 286 days continuously from 25-1-1969 to 23-12-1969 and 247 days continuously from 27-1-1967 to 23-12-1967 and similarly worked continuously from 25-6-1964 to 13-6-1996. On 13-6-96 the workman attended before Divisional Medical Officer, S.E. Rly., Waltair as per instructions of the said Manager vide medical memo etc. But the applicant was not examined by the Medical officer on 13-6-96. His working days were given as 198 and thus he was not called for medical examination. The same is false. They did not provided him work from 14-6-96. The termination of the workman is void ab initio and illegal. The workman was strong on the date of termination i.e., 14-6-96. The workman made oral representation and also written representation dated 29-3-2000 to reconsider the decision but the Management neither reconsidered the case of the workman nor given any reply to the workman. Hence, the Management may be pleased to order the Management to permit the workman for medical examination for the purpose of regularization of his services and to order the Management for reinstatement of the workman as Khalasi with full back wages upto date with continuity of his service and service benefits in the interest of justice.

3. A counter was filed on behalf of the Management stating that the allegations are not true and the Petition is liable to be dismissed in limini. That all the said allegations,

that he has worked from 25-6-64, that he was given a memo to go for medical examination that he was not examined, all are false. The genuineness of the documents is hereby denied and than they filed a detailed counter. That as per the observations and suggestions made by the Hon'ble Supreme Court the Railway Board had decided in principle that casual labour may be treated as temporary on completion of 360 days of continuous employment and formulated a scheme under Railway Board letter (No. E. NGII/84/CL/41) dated 1-6-1984 and to those casual labour though not in service as on 1-1-84 but completed the prescribed period of 360 days of continuous employment should be considered for extending the benefit of employment.

4. The Hon'ble Supreme Court had examined the Railway Board's instructions in Indrapal Yadav's case and a batch of Writ Petitions were disposed by their Lordships on 18-4-85 duly approving the scheme framed by the Railway Board duly modifying the cut off date from 1-1-81 to 1-1-84 and those who were not re-engaged after 1-1-81. Such casual labour represented by Dakshin Railway Employees Union, Trivendrum Division filed Write Petition No. 332/86 before the Hon'ble Supreme Court. At the time of hearing of the Writ Petition the Learned Counsel for the Railways had brought to the notice of the Hon'ble Supreme Court about the difficulty which will be experienced by the Railway Administration without any time limit for claiming the benefit of the scheme. The Hon'ble Supreme Court appreciated the difficulty expressed by Railway Administration and directed that persons who desires to claim the benefit of the scheme on the ground that they had been retrenched before 1-1-81 should submit their claim to the administration before 31-3-87 and the Railways shall then consider the genuineness of the claim and process them. In view of the same the Railways has issues a letter (No. Estt. Sl. No. 58/87) dated 2-3-87. Further, the Railway Board vide its instructions dated 21-10-87 had laid down that the casual labour who was found genuine will be included in a supplementary live casual register and they are to be re-engaged as and when there is casual labour requirement and the services rendered after 1-1-81 as casual labour will be taken into account for the purpose of granting temporary status in accordance with the provisions of Board's letter dated 11-9-96. In the instant case, the Petitioner was engaged as casual labour under IOW/VZM for a total period of 198 days during the period from January, 1969 to February, 1970 and then he left the job. As he was pre 81 casual labour he had responded to DRM(P)/WAT notification and after due screening he was enrolled in the supplementary casual register for his future engagement as and when the casual sanction was granted vide AEN/VZM letter No. NE/9/60 dated 22-10-91. In terms of the instructions in Estt. Sl. No. 308/87 whenever the re-engagement of the persons of on the supplementary list of casual labour is considered the Railway administration

had to subject them to medical examination. The applicant was referred for medical examination for B1 category. So the Medical Officer asked him the number of days he worked. He was re-directed after furnishing the information. After that the applicant neither attended the office for re-engagement and nor he gave information resulted in the medical examination. Hence, the contention of the Petitioner that he was a casual khalasi for 32 long years is wrong. It is found out that he worked for 198 days from 26-6-69 to 23-12-69 and 27-1-70 to 23-2-70 with breaks and not continuously from 25-6-64. That the Doctor has directed the Petitioner to admit himself for glass examination due to his eye sight. He was again directed for medical examination. He was not attended medical examination. Although he was referred for medical examination in 1996 till 2000 neither he gave the result of medical examination nor approached till 2001. Hence, the petition may be dismissed.

6. The Petitioner has examined himself as WW1. that he joined as Khalasi on 25-6-64 in Engineering I.O.W. Department, Vizianagaram on a Salary of Rs. 150/- at that time. He worked in that capacity for 32 years. On 13-6-1996 he was called for medical examination vide Ex. W1. Ex. W2 is the certificate issued by the medical officer S.E. Railway. The medical authorities denied him medical test as he worked 198 days only under Ex. W3. Ex. W4 is the record of service from 25-6-64 to 23-7-67. Ex. W5 is record of service as casual labour from 26-8-66 to 23-2-1970. He worked in every year more than 300 days in 12 calendar months and he was not provided any work from 13-6-96 to till date. On his requests the Management stated that after medical test he will be considered. That he made several requests, one such request is Ex. W6. Hence, he may be reinstated and considered for medical examination.

7. In the cross examination he denied that he worked only for 198 days as casual labour. That the medical examination was refused in 1996. Thereafter he did not attend for medical examination. He denied that he was retrenched in 1991 as casual labour. He denied that he was medically unfit and that is why he was not given any employment.

8. Sri V. Seshagiri Rao, examined himself as MW1 and deposed that as per the Hon'ble Supreme Court's Judgement they are following. That the Petitioner never worked continuously 240 days in a year. That he is not entitled for regularization, back wages or any other benefits. He admitted that all the documents filed by the Petitioner except Ex. W6 are given by the Department. He was initially taken in the Department not on 25-6-64. He denied that the Petitioner worked continuously from 64 to 90. Therefore, they have not filed the casual labour register. It is correct that Ex. W1 shows the number of days Petitioner worked as casual labour from 64 to 70. It is correct that

Ex. M2 shows that he worked from 25-1-69 to 23-2-70 for 198 days. The Doctor has asked vide Ex. W4 for how many days he worked. It is not true to suggest that he gave wrong calculation as per Ex. W5. He does not know whether he was certified medically fit or unfit.

9. In the cross examination he deposed that all the documents filed by the Petitioner except Ex. W6 are issued by the Department. Ex. M3 is from 26-1-69 to 23-2-70 for 198 days. Ex. W2 shows that he worked from 25-1-69 to 23-2-70 for 286 days. The Doctor has asked vide Ex. W4 as to how many days the Petitioner has worked. It is not true to suggest that they gave wrong calculation as per Ex. W5 in reply to Ex. W4. He do not know whether he went for medical examination after Ex. W5. He do not know whether it is certified that he is medically fit or unfit. They have not filed any document to show that he was declared medically unfit. It is not true to suggest that they have deprived him from regularization.

10. Smt D. Rajeshwari, Senior Clerk in the office C.M.S. S.E. Railways, Visakhapatnam deposed that Ex. W5 is prepared on the basis of Ex. M4. Ex. M6 is a letter by Senior Divisional Medical Officer that WW1 is medically unfit. WW1 was examined for the first time on 18-6-90 by the Railway Doctor who advised to get the spectacles. It may be correct that WW1 was examined on 13-6-96. In Ex. W2 the Divisional Medical Officer did not say that he is medically unfit but asked as to how many days he worked. Ex. W3 is the reply to the same. It is not correct to suggest that Ex. M4 was not received by the Department. Ex. M5 was prepared subsequently. WW1 did not affix his thumb impression on it nor he was told that he is medically unfit. It is not true to suggest that Ex. M4 to Ex. M6 are prepared for the purpose of case. The Doctor examined WW1 and gave Ex. M4 and died in a railway accident.

11. This Court send the Petitioner to the Medical superintendent, Regional Eye Hospital, Visakhapatnam who certified on 6-3-2003 that he has examined the Petitioner and after careful examination his vision is normal and he is fit to attend duties.

12. It is argued by the Learned Counsel for the Petitioner that the Management be directed to permit the workman for medical examination for the purpose of regularization of his services and order for reinstatement of the workman as Khalasi with full back wages. According to the workman he has put in service from 1964 to 1996 that he was not provided with work from 1996. He gave a written representation on 29-3-2000. The workman was drawing a wage of Rs.900/- per month at the time of his termination on 14-6-96. The workman has proved that he has worked from 1969, in 1969—286 days, in 1967—247 days, therefore from the settled principles of law he may be reinstated.

13. The counsel for the Respondent argues that after all what has he proved. Even According to the arguments of the Learned Counsel for the Petitioner he has proved that in 1969 he has done 286 days and in 1967 he has done 247 days. What about the other working days? Actually according to MW1 he has worked in all from 26-6-69 to 23-2-70 for a period of 198 days. As per the Hon'ble Supreme Court Judgement he submitted an application in the year 1993. The same was processed and he was referred for fresh appointment vide medical memo dated 13-6-96 for B1 category. He was found medically unfit and therefore he was not given the job.

14. It may be seen that the Ex. W1 is for medical examination. Ex. W2 the medical officer's letter as to how many days he has worked. Ex. W3 shows that the Petitioner has worked for 198 days which is wrong according to the Petitioner. He has worked for 286 days during 1969 and 247 days during 1967. Even according to WW1 no doubt he says that he worked upto 13-6-96, he could produce evidence of service from 1964 to 1970 only. Ex. W4 and Ex. W5 are details of service which are as follows: in 1964—52 days, in 1965—46 days, in 1966—29 days, in 1967—247 days, in 1968—142 days, in 1969—286 days and in 1970—27 days. So it may be seen that actually he was taking advantage of the Hon'ble Supreme Court Judgement and the Management did consider the case of the Petitioner and sent him to medical examination and he was found unfit in eye sight. It was not brought to my notice by either side the proper procedure and mentioned in the letter addressed to the Medical Superintendent, Regional Eye Hospital not only to examine the Petitioner but also I should have stated that he was examined by so and so Doctor and his eye sight was found at normal, which unfortunately I have not done. However, it may not effect much, because the Doctor has opined that he is medical fit his eye sight is normal, it is done by a Professor of Ophthalmology who examined him on 6-3-2003 and found his eye sight normal and fit to join his duty. According to the Respondent's Doctor who examined the Petitioner at first instance by the Respondent's Doctor has died in a railway accident. No doubt, the present examination is in 2003 and that examination was done in 1996. But I find from WW1's deposition that he is aged 54 years as on 17-9-2001 by now he must be 56 years and no purpose would be served by directing the Respondent to take further medical examination and appoint him because at the best he may get four more years service and even according to the proof he has worked only upto 23-2-70. He must have been working some where or other and even according to him he was drawing only Rs.900/- at the time of his so called oral termination on 14-6-90. If he had been provided with a job in 1996 if his eye sight was found normal by the Respondent Doctor he would have had a service of 11 years. As there is no proof that he worked upto 1996 but only proof that he worked upto 23-2-70.

Therefore I am of the opinion that compensating him with some money would meet the ends of justice. Hence, the Respondent is directed to pay him 10 months pay i.e., Rs.9000/- plus Rs.1000/- towards costs of this case litigation, in total an amount of Rs.10,000/- within 30 days from the publication of this award failing which he will be entitled to 12% interest after 30 days from the publication of this award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri Dasari Apparao	MW1: Sri V. Seshagiri Rao
	MW2: Smt D. Rajeshwari

Documents marked for the Petitioner

Ex W1	: Copy of letter for medical examination of WW1.
Ex W2	: Copy of medical certificate issued by Div. Rly. Medical Officer dt: 19-9-96.
Ex W3	: Copy of certificate dt.27-7-96 that the Petitioner worked for 198 days.
Ex W4	: Record of service of WW1 from 25-6-64 to 23-7-67.
Ex W5	: Record of service of WW1 from 26-8-66 to 23-2-70.
Ex W6	: Copy of representation of WW1 before DRM/SERly dt. 29-3-2000.

Documents marked for the Respondent

Ex M1	: Copy of proceedings for appointment of casual labour.
Ex M2	: Copy of lr. for medical examination.
Ex M3	: Copy of left hand thumb impression of WW1 for the period of engagement of WW1.
Ex M4	: The reverse part of Ex. W3.
Ex M5	: Copy of fitness certificate on the basis of Ex. M4.
Ex M6	: Copy of lr. No. NA/91/72 dt.

नई दिल्ली, 29 जनवरी, 2004

का.आ. 419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, कोलाम के पंचाट (संदर्भ संख्या) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-01-2004 प्राप्त हुआ था।

[सं. एल-12014/01/2004-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 419.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (.....) of the Central Government Labour Court, Kollam now as shown in Annexure in the industrial dispute between the employers in relation to the Management of State Bank of India and their workman, which was received by the Central Government on 28-01-2004.

[No. L-12014/01/2004-IR(B.-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT, LABOUR COURT, KOLLAM.

PRESENT

Shri K. Sasidharan Nair,
Presiding Officer

Thursday the 25th Day of September, 2003/
3rd Aswina, 1925

**CLAIM PETITION NOS. 11/85(C), 12/85(C),
14/85(C), 15/85(C), 17/85(C), 24/85(C), 27/85(C),
2/86(C), 3/86(C) And 4/86(C)**

Petitioner in C.P. 11/85(C) :

S. Ramachandra Warriar, Clerk-cum--typist,
State Bank of India,
Beach Road,
Alleppey-688 012.

Petitioner in C.P. 12/85(C) :

D. Mohandas, Dy. Head Cashier,
State Bank of India, Beach Road,
Alappuzha-688 012.

Petitioner in C.P. 14/85(C) :

E. P. Raja Rama Sarma, Cashier,
State Bank of India,
Beach Road,
Alappuzha-688 012.

Petitioner in C.P. 15/85(C) :

V. G. Sidhardhan, Head Clerk,
State Bank of India,
Beach Road,
Alappuzha-688 012.
(Now transferred to Agricultural Development Branch,
Alleppey)

Petitioner in C.P. 17/85(C) :

E. P. Raja Rama Sarma, Cashier,
State Bank of India, Beach, Road,
Alleppey-688 012.

Petitioner in C.P. 24/85(C) :

E. P. Raja Rama Sarma, Cashier,
State Bank of India, Beach,
Alleppey.

Petitioner in C.P. 27/85(C) :

D. Mohandas, Dy. Head Cashier,
State Bank of India, Beach,
Alleppey

Petitioner in C.P. 2/86(C) :

K. J. Baby, Messenger,
State Bank of India, Beach,
Alappuzha.
(Now transferred to State Bank of India,
Agricultural Development Branch, Edathua).

Petitioner in C.P. 3/86(C) :

K. J. Baby, Messenger,
State Bank of India, Beach,
Alleppey.
(Now transferred to State Bank of India,
Agricultural Development Branch, Edathua).

Petitioner in C.P. 4/86(C) :

E. P. Raja Rama Sarma, Cashier,
State Bank of India, Beach,
Alleppey.

**Opposite Party in C.P. Nos. 11/85(C), 12/85(C),
14/85(C), 15/85(C), 17/85(C), 24/85(C), 27/85(C),
2/86(C), 3/86(C), and 4/86(C) :**

The Branch Manager,
State Bank of India,
P. B. No. 1,
Beach Road,
Alappuzha-688 012.

**Representation for the petitioners in C.P.
Nos. 11/85(C), 12/85(C),**

14/85(C), 15/85(C), 17/85(C), 24/85(C), 27/85(C),
2/86(C), 3/86(C), and 4/86(C) :

Sri. K. Ravu,
Advocate,
Alappuzha-688 012.

Representation for the Opposite Party in C.P.

Nos. 11/85(C), 12/85(C),

14/85(C), 15/85(C), 17/85(C), 24/85(C), 27/85(C),
2/86(C), 3/86(C), and 4/86(C) :

S/Shri K.P. Cehllappan Nair,
V.K. Ram Mohan Das and
P.B. Chellappan,
Advocates,
Alappuzha-688 012.

COMMON ORDER

These are Claim Petitions filed by certain workmen of the Common Opposite Party under Section 33 C (2) of the Industrial Disputes Act, 1947, for computation of the respective amounts allegedly due to them from the opposite party. Since common questions of law and facts arise in all these claim petitions, they have been taken up jointly and Claim Petition No. 14/85(C) has been treated as leading case.

2. In C.P. No. 11/85(C) the petitioner would allege that he is employed as a clerk-cum-typist, that his salary for 20-10-1984 has not been paid, that he had carried out all his normal allotted duties to the best of his ability and still the salary for the above said date was withheld unauthorisedly and so prays for directing the opposite party to pay the said amount which he estimate as Rs. 36.68.

3. The contentions raised by the opposite party are that the petition is not maintainable, that the petitioner did not work on 20-10-1984, that the deduction of wages was effected in accordance with law, that the petitioner had absented from his duty for more than 2 hours on 20-10-1984 on that day, that being a Saturday he was expected to work for 4 hours and as he did not attend his work, his salary was deducted for that day and he is not entitled to the wages as claimed.

4. The petitioner has filed a detailed replication alleging inter alia that the opposite party had unilaterally withheld salary of the day, i.e. on 20-10-1984 as victimisation for his active participation in union activities, that the wage cut on that day was done without the petitioner's knowledge, that the action of the opposite party is in utter disregard of the principles of natural justice, that the petitioner had done his work on 20-10-1984 from 10 a.m. to 2 p.m. that the allegation of absence from duty for more than 2 hours is false and therefore the petitioner prayed for computing the amount due to him as stated in the claim petition.

5. In C.P. No. 12/85(C), the petitioner would allege that he is employed as Deputy Head Cashier of the opposite party, that his salary for six days from 12-12-1984 to 17-12-1984 was not paid, that he had applied for leave for the above period on medical grounds along with a medical certificate, that the opposite party was bound to grant leave as there was sufficient leave to his credit, that the wage cut on the above days is unlawful and unauthorised and so he prays for directing the opposite party to pay the salary for the said days which he estimates as Rs. 476.23.

6. The opposite party would contend that the petition is not maintainable, that the petitioner is not a workman as he is working in a supervisory category and drawing more than Rs. 2,000/- per month, that the applicant remained absent from 12-12-1984 to 21-12-1984 that he did not apply for leave either before availing leave or during the period of absence or even after joining his duty, that the deduction was effected legally for the days of absence of the petitioner from his duties, that the petitioner had not so far applied for leave for the above absented days and so he is not entitled to get any benefits as prayed for.

7. The petitioner has filed a detailed replication alleging that the Assistant Head Cashier post is only post for performing some additional work over and above the duties of a cashier and his duties are that of a cashier, that his work is not of a supervisory nature, that his leave application for the period from 12-12-1984 to 21-12-1984 was submitted through his relative to the cash officer on 19-12-1984, that if at all the applicant had not applied for leave the opposite party was bound to seek his explanation, that the opposite party did not issue any notice regarding the alleged absence and imposed wage cut without his knowledge, that the opposite party had debited his Savings Bank Account Rs. 317.48 which he later came to understand to be an account of the medical leave sanctioned to the petitioner from 18-12-1984 to 21-12-1984, that the opposite party has no authority to debit the Savings Bank account of the petitioner without his knowledge and approval, that he had sufficient leave at his credit and had applied for leave with medical certificate and so the deduction of wages for the above dates is illegal and it is part of the coercive tactics adopted by the opposite party to harass and victimise the petitioner for having participated in the strike of the employees during the last month of 1983.

8. The petitioner in C.P. 14/85(C) would allege that he is employed as a Cashier of the opposite party that his salary for 4 days i.e. on 10-6-1985, 12-6-1985, 13-6-1985 and 15-7-1985 was unlawfully deducted, that he was acting as teller on those days, that he had carried out all his additional duties unilaterally attached to that seat, that the opposite party had unauthorisedly withheld the salary for the above days and so prays for directing them to pay the said amount which he estimates as Rs. 313.87.

9. The contentions raised by the opposite party are that the petitioner is not maintainable, that the petitioner did not work on the above days, that he remained absent from duty on those days and so his claims are only to be dismissed.

10. The petitioner has filed a replication alleging inter alia that he had carried out all his allotted duties as teller on the said days, that the action of the opposite party was to harass the petitioner who was the local Secretary of the State Bank Staff Union which led the recent staff agitation of the branch, that the petitioner had not absented from duty on any of the above days and that the deduction of his wages is unauthorised and illegal.

11. The petitioner in C.P. 15/85(C) would allege that he is employed as Head Clerk, and that he was not paid salary for 21 days from 13-1-1984 to 2-2-1984, that he had been attending duties of Head Clerk, than on 10-1-1984 the opposite party issued an order changing the duties of petitioner and allotted duties of telex head clerk, that the petitioner was carrying out the allotted duties except telex operation and typing which he was not aware and this position was informed to the opposite party in writing on 10-1-1984, that from 14-1-1984 the opposite party stopped allotting any work and the salary from 13-1-1984 to 2-2-1984 was unauthorisedly withheld and so he claims the said amount which he estimates as Rs. 2254.54 P.

12. The opposite party would contented that the petition is not maintainable, that the petitioner is not entitled for the wages for a period from 13-1-1984 to 2-2-1984 as he had not done the work allotted to him, that the deduction of wages was affected in accordance with law, that the petitioner who was working as Head Clerk (Despatch) was changed to another seat due to exigencies of service, that though the petitioner accepted that order he remained in the old seat, that on 11-1-1985 and 12-1-1985 the opposite party issued two notices to the petitioner to occupy the new seat allotted to him, that he did not comply with the above directions and did not carry out the work allotted to him, that on 13-1-1985 the opposite party issued another notice requiring him to carry out the work allotted to him, that the said notice was received by him and so it was published in the notice board, that since the petitioner did not do the work allotted to him the functioning of the bank was seriously affected and thereupon the opposite party imposed the wage cut for not performing the allotted work, that the petitioner is not entitled to claim the benefits and his claims are only to be dismissed.

13. The petitioner has filed a detailed replication alleging inter alia that the opposite party had unilaterally decided to change the petitioner from his permanent seat of Despatch/Head Clerk to another seat of head clerk (telex), that the opposite party had failed to give due notice regarding the change of designation, that the petitioner

was not a typist and he was unable to operate the telex, that this matter was informed to the opposite party, that no facility was made available for doing the above work and though the petitioner was ready to do his work he was not provided with the relevant registers and records, that no notices were issued as contented by the opposite party, that the opposite party had not allotted any work from 14-1-1984, that the change of seat was part of victimisation and harassment against the petitioner for having participated in the legal strike, that the opposite party had unauthorisedly and without notice decided to change the designation and then deducted his salary in respect of the above period and that the petitioner is entitled to receive the said amount.

14. In C.P. 17/85(C) the petitioner would allege that he was working as cashier and by virtue of his seniority he was entitled to act as Deputy Cashier/Teller as the permanent posts of Teller and Deputy Head Clerk were lying vacant, that he was denied acting chance in the cadre of Teller/Head Clerk from 4-7-1984 and thus an average amount of Rs. 90.50 per day had been unlawfully denied to him and so he prays for computation of the amount due to him from the opposite party.

15. The contentions raised by the opposite party are that the petition is not maintainable, that he cannot put forward a claim for benefits of some posts in which he had not worked that the petitioner was paid for the work allotted and done by him, that the claim if any of the petitioner for a higher post cannot be raised in a petition under Section 33 C(2) of the Industrial Disputes Act that he was not fit for the post of Teller/Deputy Head Clerk and so the opposite party decided not to post him in that post and that the claim is without bonafide and liable to be rejected.

16. The petitioner has filed a replication traversing the contentions raised by the opposite party and reiterating that he was denied the teller post only as victimisation for his participation in the union activities and the agitation of the staff members against the opposite party and he was purposefully denied the above post against the rules and precedent and so claims the benefits of that post.

17. In C.P. No. 24/85(C) the petitioner would allege that his wages for six days i.e. on 16-1-1984, 21-2-1984, 25-2-1984, 16-5-1984, 17-5-1984 and 3-7-1984 were illegally withheld, that he had carried out all his normal allotted duties on the above days and the deduction of wages is unauthorised and so prays for directing the opposite party to pay the wages of the said days which he estimates as Rs. 400.

18. The contentions raised by the opposite party are that the petition is not maintainable, that the petitioner was not entitled for the wages of the said six days on account of the reason that he had not done the work allotted to him on those days, that if the applicant has any dispute regarding the withholding of the wages on those days

Section 33C(2) of the Industrial Disputes Act cannot be invoked, that on all these days the petitioner had displayed wilful negligence in the performance of duties and had acted detrimental to the interest of the opposite party and did not do the allotted work and was absenting from his seat during working hours and so the deduction of wages on those days is legal and justifiable.

19. The petitioner has filed a replication alleging that as he had done the work he is entitled to file the petition under Section 33C(2) of the Industrial Disputes Act, that his wages for the above mentioned six days were deducted unauthorisedly as part of victimisation against him for having participated in the union activities and agitation of employees, that the contention of the opposite party had the petitioner was displaying wilful negligence in the performance of his duties is totally false and so he is entitled to get the wages of the said days.

20. In C.P. No. 27/85(C) the petitioner would allege that he was working as Deputy Head Cashier and on 30-7-1985 a sum of Rs. 317.48 was deducted from his Savings Bank Account after crediting his salary and allowances for the month of July 1985, that his wages on 9-7-1984 amounting Rs. 78.66 had been unlawfully deducted from his salary and so he prays for computation of the amount due to him from the opposite party.

21. The opposite party would contend that the petition is not maintainable, that the petitioner is not a workman, that the deductions alleged to have been made are done legally and as per rules, that the deduction was effected since the petitioner did not work and absented without leave, that the claim for such benefits cannot be raised in a petition under Section 33(C)(2) of the Industrial Disputes Act, that he was absent from 12-12-1984 to 21-12-1984, that since there was no casual leave in his credit the opposite party had to treat the petitioner as absent on loss of pay from 12-12-1984 to 17-12-1984 and accordingly deduction was effected in his salary and so the petition is only to be dismissed.

22. The petitioner has filed a replication alleging that he was only an Assistant Head Clerk at the relevant period and so a workman, that on 9-7-1984 he had been working as acting Teller and he had carried out all his duties, that the opposite party had imposed wage cut on 9-7-1984 alleging that he had not worked on that day which is illegal, that the petitioner did not absent from 12-12-1984 to 21-12-1984 without applying for leave, that he informed about his sickness over telephone on 12-12-1984 itself and subsequently sent a leave application on 19-12-1984 requesting for leave from 12-12-1984 to 21-12-1984 that he submitted medical certificate also while joining duty on 22-12-1984 and that the wage cut from 12-12-1984 to 17-12-1984 or from 18-12-1984 to 21-12-1984 is illegal and so prays for computing the amount due to him from the opposite party.

23. In C.P. No. 2/86(C), the petitioner would allege that he was entitled to washing allowance of Rs. 15/- per month from September 1984 onwards and inspite of repeated demands the opposite party did not pay the sum of Rs. 20/- which include Rs. 5/- as balance of washing allowance for the month of September, 1984 and Rs. 15/- for the month of October 1984.

24. The opposite party would contend that all petty cash amounts are paid as per vouchers submitted by the claimants and such amounts have to be collected from the cash department, that the vouchers submitted by the petitioner for the amounts claimed in the petition have been passed on 31-10-1984 itself and as the petitioner did not approach the opposite party for the said amounts, it was not disbursed that the opposite party had never refused to entertain the legal dues of the petitioner and so the petition is only to be dismissed.

25. The petitioner has filed a replication contending that the washing allowance payable to the petitioner had to be paid with his salary that the opposite party had not paid the eligible washing allowance to the petitioner along with the salary, that the contention of the opposite party that the vouchers submitted by the petitioner was passed by the opposite party, and the contention that the same was not claimed by the petitioner is absolutely false and so the petitioner is entitled to received from the opposite party the above amount.

26. In C.P. No. 3/86(C) the petitioner would allege that his wages of 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984, 31-7-1984, 17-9-1984, 18-9-1984, 25-9-1984, 11-10-1984 and 19-10-1984 were deducted and the wages cut imposed on 1-2-1984, 3-2-1984, 4-2-1984, 4-2-1984, 25-2-1984 and 31-7-1984 were on days in which he had performed all his allotted duties and on 17-9-1984 and 18-9-1984 he was on leave and on 25-9-1984 he was in the custody of the Police in connection with a criminal petition lodged by a customer of the bank under the advice from the opposite party and he had applied for leave on that day and on 11-10-1984 and 19-10-1984 he had to appear before the Chief Judicial Magistrate Court, Alappuzha and he applied for leave on those days and the wage cut imposed on those days is illegal and he prays for computation of the amount due to him from the opposite party.

27. The opposite party would contend that the wage cut and deductions were done in accordance with law, that the petition is not maintainable, that the petitioner did not do his allotted work on 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984 and 31-7-1984 and so wage cut was effected on those days, that he was not entitled to privilege leave on 17-9-1984 and 18-9-1984 and so his leave application was not sanctioned and deduction of wages was effected on those days, that he was not entitled to avail leave on the basis of official duty on 25-9-1984, 11-10-1984 and 19-10-1984 and so the wage cut effected on those days also are legal and the petition is only to be dismissed.

28. The petitioner has filed a replication alleging that he had performed all allotted duties on 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984 and 31-7-1984 and so he is entitled to receive the wages for those days that he had applied for eligible leave on 17-9-1984, 18-9-1984, 25-9-1984, 11-10-1984 and 19-10-1984 and so the action of the opposite party in having imposed wage cut on those days is illegal and unjustifiable and so prays for computation of the amount due to him from the opposite party.

29. In C.P. 4/86(C) the petitioner would allege that he had applied for privilege leave on 30-11-1985 and the opposite party had refused to grant leave and imposed wage cut on that day and so prays for computing the said amount which he estimates as Rs. 87.71.

30. The opposite party would content that the petition is not maintainable that the petitioner is not a workman, that the claim for privilege leave was unsustainable and so his absence on the said days was treated as leave on loss of pay and deduction of wages is legal and the petition is liable to be dismissed.

31. The petitioner has filed a replication alleging that he is a workman covered by the Sastry and Desai Award, that he was the Secretary and an Executive Committee member of a recognised union and he is entitled to avail privilege leave on more than 2 occasions in a calendar year and so he was entitled to avail privilege leave on 30-11-1985 and the wage cut imposed for that day is illegal and it was as part of victimisation.

32. The common petitioner in C.P. Nos. 14/85(C), 17/85(C), 24/85(C) and 4/86(C) has been examined as PW1 and the common petitioner in C.P. Nos. 12/85(C) and 27/85(C) has been examined as PW2 and Exhibits P1 to P45 have been marked in evidence on the side of the petitioner. No oral or documentary evidence for the common opposite.

33. The following points arise for consideration in Claim Petition No. 11/85(C):

- (i) Whether the petition is maintainable?
- (ii) To what relief, if any, the petitioner is entitled?

34. **Point No. 1 :** According to the petitioner he had carried out all his normal allotted duties on 20-10-1984 and his salary for that day, which he estimates as Rs. 36.68, was unlawfully deducted. The first contention of the opposite party is that a dispute regarding deduction of wages cannot be decided in a petition under Section 33C(2) of the Industrial Disputes Act. Since the claim is for wages of the petitioner for the day in which he had attended the office and worked, such a claim is maintainable under Section 33C(2) of the Industrial Disputes Act. The Point is answered accordingly.

35. **Point No. 2.**—Admittedly the petitioner was present on 20-10-1984. It is contended by the opposite party that the petitioner was absent from his duty for more than two hours on the above date and being a Saturday he

was expected to work for 4 hours and as he was not in his seat for 2 hours, wage cut on that day was imposed. In the replication it is stated by this petitioner that no notice was given regarding the alleged wage cut and it was done without his knowledge and he was not given any opportunity before such deduction. He has further stated that he was present in the office from 10 a.m. to 2 p.m. and did all his allotted duties and all the work allotted was done by him on 20-10-1984. PW1 has deposed that the petitioner in C.P. No. 11/85(C) was present during office hours on 20-10-1984 and he had done all the allotted duties on that day. There is no cross examination regarding the above version. No evidence is adduced on the said of the opposite party to show that the Petitioner in C.P. No. 11/85(C) was absent for two hours and did not do all his allotted duties on that day. It is further seen that the wage cut on that day was done in an arbitrary manner without affording any opportunity to the petitioner to explain his stand. No notice was given to the petitioner before such wage cut. Therefore I find that the petitioner is entitled to receive from the opposite party the wages of 20-10-1984 which is Rs. 36.68 and his claim is allowable.

36. In C.P. No. 12/85(C) the following points arise for consideration :

- (i) Whether the petition is maintainable?
- (ii) To what relief, if any, the petitioner is entitled?

37. **Point No. 1 :**—According to the petitioner his salary for six days, i.e. from 12-12-1984 to 17-12-1984 was not paid and he had applied for leave on medical ground for the above days and so the action of the Opposite Party in imposing wage cut for those days is illegal. The first contention of the opposite party is that the claim being for the wages of the days in which the petitioner did not work cannot be raised under Section 33C(2) of the Industrial Disputes Act. From the facts it is found that the petitioner did not attend duty from 12-12-1984 to 21-12-1984. The opposite party would contend that the petitioner did not apply for leave either before or during the period of absence and so the deduction was effected legally treating his absence as leave on loss of pay. Since the petitioner did not attend the office from 12-12-1984 to 17-12-1984 and no leave application was sanctioned in respect of that period, claim under Section 33C(2) for wages during the said period cannot be worked out under Section 33C(2) of the Industrial Disputes Act. The petitioner as PW1 has deposed that his leave application on medical grounds for the period from 12-12-1984 to 21-12-1984 was not sanctioned even though there was leave in his credit. The opposite party has every right to grant or refuse the leave application of an employee and a dispute regarding the action of the management in this respect cannot be brought under the above section. Such a dispute needs adjudication. Therefore I find that the petition is not maintainable. The point is answered accordingly.

38. Point No. 2 :—In view of my finding on Point No. 1 it follows, that the petition is only to be dismissed. The point is answered accordingly.

39. In C.P. No. 14/85(C) the following points arise for consideration :

(i) Whether the petition is maintainable?

(ii) Whether the petitioner is entitled to the relief as prayed for?

40. Point No. 1 :—According to the petitioner his salary for 4 days i.e. on 10-6-1985, 12-6-1985, 13-6-1985 and 15-7-1985 have been unlawfully deducted and on those days he was working as teller and carried out all his additional duties attached to that post. The first contention of the opposite party is that deduction of wages on those days was for the reason of not doing the work allotted to him on such days and therefore Section 33C(2) of the Industrial Disputes Act cannot be invoked for ventilating for the grievance of the petitioner. It is further contended that the petitioner had absent from his duty on those days. The petitioner was a cashier at the relevant period and according to him he had done all the duties allotted to him on the said days when he was acting as the teller. It is seen that the opposite party had imposed wage cut for the above day by taking the stand that the petitioner did not do his allotted duties on such days. Since the petitioner attended on those days, a claim under Section 33C(2) of Industrial Disputes Act is maintainable. The point is answered accordingly.

41. Point No. 2 :—The petitioner as PW1 has deposed that from 4-7-1984 to 9-6-1985, as he was the senior most cashier he should have been given the teller duty and he was denied such teller duty as an act of victimisation. From the facts and evidence it is found that the petitioner did not carry out the work attached to the teller post. The correctness or justifiability of the action of the management in denying the teller duty to the petitioner cannot be adjudicated in a claim under Section 33C(2) of the Industrial Disputes Act. In the evidence the petitioner has categorically stated that he was denied teller duty and the claim in C.P. 14/85 (C) is connected with that duty. From Ext. P9 and P10 it is found that the decision to impose wage cut was taken after giving sufficient opportunity to the petitioner and in that context his claim being a dispute cannot be decided under Section 33C(2) of the Industrial Disputes Act. Therefore, I find that the petition is not maintainable and it is only to be dismissed. The point is answered accordingly.

42. In C.P. No. 15/85(C) the following points arise for consideration :

(i) Whether the petition is maintainable?

(ii) Whether the petitioner is entitled to the relief prayed for?

43. Points (i) and (ii) :—According to the Petitioner he was attending the duties of Head Clerk (Despatch) and on 10-1-1984 the opposite party issued an order allotting him the duties of telex head clerk and as he was not knowing telex operation and typing and so he could not carry out the duties of telex operation and this was informed to the opposite party on 10-1-1984 itself and in spite of that the opposite party stopped allotting any work to him and also deducted salary from 13-1-1984 to 2-2-1984 and therefore he claims the amount so deducted. The opposite party would state that the claim for wages for the above period cannot be brought under Section 33C(2) of the Industrial Disputes Act. It is further stated that the applicant did not do the duties allotted to him as telex operator from 13-1-1985 and so his wages have been deducted. It is stated by PW1 that the petition is C.P. 15/85 (C) had done all duties except telex operation which he was not aware and he had made a request for exempting him from such work and thereupon no working materials were given to him and his salary was illegally deducted for 10 days. Ext. P44 is the information given by the petitioner to the opposite party stating that he does not know typing or telex operation and so he is not in a position to carry out the duty assigned to him. Ext. P45 is the copy of another letter stated to be given by the petitioner alleging that he was not provided with working materials from 14-1-1984. From the facts and evidence it is found that the petitioner did not do the duties assigned to him in the post of head clerk/telex operator and in spite of directions given by the opposite party, such duties were not done by him. It is in the above circumstances that the salary of the petitioner was deducted for the period from 13-1-1984 to 2-2-1984. The correctness or justifiability of the action of the opposite party in having deducted the salary during the above period for the reasons of not doing the duties assigned to the post of telex head clerk to which the petitioner was posted cannot be decided in a claim petition under Section 33C(2) of the Industrial Disputes Act and this is beyond the scope of the above Section. The principle of no work no pay is applicable to the facts of this case and therefore I find that this claim petition is not maintainable and the petitioner is not entitled to the relief prayed for. The point is answered accordingly.

44. In C.P. No. 17/85(C) the following points arise for consideration :

(i) Whether the petition is maintainable?

(ii) To what relief, if any, the petitioner is entitled?

45. Points (i) and (ii) :—According to the petitioner while he was working as the Senior most Cashier in the Alleppey branch he was denied acting chance in the Cadre of Teller/Deputy Head Cashier from 4-7-1984 and even though that post was lying vacant his claim was overlooked and employees junior to him were allotted the duties of teller and thus he was denied the benefits of

about Rs. 10.50 per day which is attached to the teller post. It is contended by the opposite party that as the claim put forward by the petitioner is for the benefits attached to a post in which the petitioner had not worked, the petition is not maintainable and the petitioner is not entitled to the said benefits. Admittedly the petitioner did not do the work attached to the teller post. The claim is for the benefits attached to the teller post. That being the position, Section 33C (2) of the Industrial Disputes Act cannot be invoked for the reason that the legality of such a claim wants adjudication. Whether the denial of teller duty to the petitioner was correct or not cannot be decided in a claim under Section 33C (2) of the Industrial Disputes Act. The petitioner is stated to have made complaints regarding the denial of teller post to him and also against allotting of such duties to his juniors as seen from Ext. P14 to P17. The petitioner has also stated before court that he was denied such duties illegally. But as already observed the correctness or legality of the decision of the opposite party in having denied the teller duty to the petitioner cannot be worked out in a claim under Section 33C (2) of the Industrial Disputes Act the petition is found to be not maintainable it is liable to be dismissed. The points are answered accordingly.

46. In C.P. No. 24/85 (C) the following points arise for consideration :

1. Whether the petition is maintainable?
2. To what relief, if any, the petitioner is entitled?

47. The points 1 and 2 :—According to the petitioner his wages for six days have been deducted inspite of the fact that he had carried out all his normal allotted duties of such days. The opposite party would state that as the petitioner did not do the work on the said six days, his wages for those days were deducted and a claim for wages on the above days cannot be entertained under Section 33C (2) of the Industrial Disputes Act. From the facts and evidence it is found that the petitioner had actually worked on all the above six days, i.e., 16-1-1984, 21-2-1984, 25-2-1984, 16-5-1984, 17-5-1984 and 3-7-1984. According to the opposite party, since the petitioner did not do the duties allotted to him on those days, his salary was deducted. As it is found that the petitioner was present on all the above days and according to him he did all work allotted to him, a claim under Section 33C (2) is maintainable and the merits of the contention of the opposite party that he did not do the work which resulted in denial of salary for those days has to be considered on merits. The petitioner as PW1 had deposed that the deduction of salary for 'six' days was illegal and on all such days he was present in the bank and done all the duties allotted to him. It is further stated by him that the deduction was made without giving any notice or conducting any enquiry and no authorisation was obtained by the bank manager in connection with such deduction. No evidence is adduced on the side of the opposite party to show that the deduction on the above days was made after giving notice to the petitioner. It appears that no disciplinary action was taken by the opposite party and deduction of salary was made not as a

consequence of such disciplinary proceedings. Eventhough he made complaints regarding the said deduction as seen from Ext. P23, P24 and P26, the opposite party did not consider the same. From the facts and evidence it is found that the deduction of the salary for the above '6' days during which the petitioner had done his work was not proper or justifiable. The contention of the opposite party that the petitioner did not do the work allotted to him is not at all substantiate in evidence. There is nothing on record to show that the petitioner did not do the work allotted to him on such days. Therefore, I find that the petitioner is entitled to receive the salary for the above days which is found to be Rs. 400/-. The points are answered accordingly.

48. In C.P. No. 27/85 (C) the following points arise for consideration :

1. Whether the petition is maintainable?
2. Whether the petitioner is entitled to the relief prayed for?

49. Points (1) and (2) :—It is alleged by the petitioner that an amount of Rs. 317.48 was unlawfully deducted on 30-7-1985 and that the wages on 9-7-1984 which is estimated as Rs. 78.66 also was unlawfully deducted and he claims the above wages. From the facts and evidence it is seen that the petitioner was absent from 12-12-1984 to 21-12-1984 and according to the opposite party the petitioner did not file any leave application and though the wages for the above period was mistakenly paid, after second cross checking and finding out the mistake, the wages for the above period was deducted and such deduction is legal and cannot be worked out under Section 33C (2) of the Industrial Disputes Act. It is found that the petitioner was absent during the above period. It is stated by the petitioner that he had given leave application and before filing such application he informed on 12-12-1984 itself about his sickness and requested for leave. Anyhow since opposite party had deducted the wages in respect of the days in which the petitioner did not attend the office, either by not granting the leave application or due to not filing any leave application by the petitioner, a claim under Section 33C(2) of the Industrial Disputes Act is not maintainable. Ext. P35 to P43 produced in this case are not of much use of substantiate the claim of the petitioner. The principle of no work no pay applies to the facts of this case. The correctness or otherwise of either rejecting the leave application or the justifiability of the deduction of wages due to absence cannot be decided in a claim under Section 33C (2) of the Industrial Disputes Act. Therefore, I find that the petition is not maintainable and the petitioner is not entitled to the relief prayed for. The points are answered accordingly.

50. In C.P. No. 2/86 (C), the following point arises for consideration :

"Whether the petitioner is entitled to receive the sum of Rs. 20/- as prayed for?"

51. The Point :—The claim in this case is the balance of the washing allowance for the month of September 1984 and Rs. 15/- which is the washing allowance for the month of October 1984. The contention of the opposite party is

that the Bank had passed the voucher submitted by the petitioner for the above claim and as the petitioner did not approach the opposite party, the amount was not disbursed. The claim is not disputed by the opposite party. Whatever be the reason for not disbursing or receiving the amount, I find that the petitioner is entitled to get the above sum and so the petition is only to be allowed.

52. In C.P. No. 3/86 (C), the following points arise for consideration :

- (i) Whether the petition is maintainable ?
- (ii) Whether the petitioner is entitled to receive from the opposite party the amount as claimed ?

53. **Points (i) and (ii) :—**It is alleged by the petitioner that the wages on 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984, 31-7-1984, 17-9-1984, 18-9-1984, 25-9-1984, 11-10-1984 and 19-10-1984 were deducted and out of these days, the petitioner had actually performed all his allotted duties on 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984 and 31-7-1984 and he had applied for leave on 17-9-1984 and 18-9-1984 and on 25-9-1984, 11-10-1984 and 19-10-1984 also, he had applied for leave and in spite of the same, wage cut was imposed illegally on the above days. According to the opposite party the petitioner did not do the allotted works and also he was absent on certain days and was not eligible for leave applied for. The version of the opposite party that the wage cut effected on 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984 and 31-7-1984 was for the reason that the petitioner did not do the allotted work has not been substantiated by any evidence. PW1 has deposed that the petitioner had done all the work allotted to him on the above days. There is no cross-examination on the above version of PW1. As it is found that the petitioner had actually worked on 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984 and 31-7-1984, I find that he is entitled to receive the wages for the above period. The wage cut on the above days was not stated to be as a punishment in any disciplinary proceedings. No notice or opportunity was given to the petitioner before effecting the wage cut on the said days. Therefore the petitioner is entitled to receive the wages on the above days which is Rs. 130/-. Regarding the wage cut effected on 17-9-1984, 18-9-1984, 25-9-1984, 11-10-1984 and 19-10-1984 the claim under Section 33C (2) of the Industrial Disputes Act is not entertainable due to the reason that the petitioner has not worked on the above days. Correctness or otherwise of the decision of the opposite party in having not granted the leave application in respect of the above days cannot be considered in a claim under Section 33C(2) of the Industrial Disputes Act. Therefore I find that the petition can be allowed only in part i.e. regarding the wages for 1-2-1984, 3-2-1984, 4-2-1984, 25-2-1984 and 31-7-1984 which is found as Rs. 130/-. The point is answered accordingly.

53. In C.P. 4/86(C) the following points arise for consideration :

- (1) Whether the petition is maintainable ?
- (2) To what relief, if any, the petitioner is entitled ?

54. **Points (1) and (2) :—**According to the petitioner his wages on 30-11-1985 has been deducted and on that day he had applied for privilege leave and as he was the

local Secretary and Executive Committee Member of the State Banks' Staff Union at Alleppey he was entitled to take privilege leave for more than two occasions in a calendar year and the rejection of privilege leave on 30-11-1985 was illegal. It is contended by the opposite party that the petition is not maintainable and the petitioner was not entitled to get any privilege leave as claimed. From the admitted facts it is clear that the petitioner did not work on 30-11-1985. The decision of the opposite party regarding the claim of the petitioner for privilege leave on that day cannot be challenged under Section 33C (2) of the Industrial Disputes Act. The correctness or otherwise of the above decision needs adjudication and as such the said dispute is beyond the scope of Section 33C (2) of the Industrial Disputes Act. Therefore I find that the petition is not maintainable and the claim of the petitioner is only to be dismissed. The points are answered accordingly.

Hence the Claim Petition Nos. 12/85(C), 14/85(C), 15/85(C), 17/85(C), 27/85(C) and 4/86(C) are dismissed and Claim Petition No. 11/85(C) is allowed and the opposite party is directed to pay a sum of Rs. 36.68 (Rupees Thirty six and Ps. Sixty eight only) to the petitioner therein and Claim Petition No. 24/85(C) is allowed and the opposite party is directed to pay a sum of Rs. 400/- (Rupees Four Hundred only) to the petitioner therein and Claim Petition No. 2/86(C) is allowed and the Opposite Party is directed to pay a sum of Rs. 15/- (Rupees Fifteen only) to the petitioner therein and the Claim Petition No. 3/86(C) is allowed in part and the opposite party is directed to pay a sum of Rs. 130/- (Rupees One hundred and Thirty only) to the petitioner therein.

Pronounced before the open court on this the 25th day of September, 2003:

K. SASIDHARAN NAIR, Presiding Officer

APPENDIX

Witness examined on the side of the petitioner in C.P. Nos. 14/85(c), 17/85(c), 24/85(c) and 4/86(c)

PW1 — E.P.R.R. Sarma

Witness examined on the side of the petition in C.P. Nos. 12/85(c) and 27/85(c)

PW2 — Mohandas

Exhibits marked on the side of the petitioner

Ext. P1 — Receipt of Telegram dated 30-11-1985 sent to the Branch Manager, S.B.I., Alleppey.

Ext. P2 — Copy of the privilege leave application dated 3-12-1985.

Ext. P3 — Letter dated 19-12-1985 from the Branch Manager, S.B.I., Alleppey to Sri E.P.R.R. Sarma, Cashier, S.B.I., Alleppey.

Ext. P4 — Copy of letter dated 20-12-1985 from E.P.R.R. Sarma, Cashier, S.B.I. Alleppey to the Branch Manager, Alleppey.

Ext. P5 — Postal Receipt No. 373, dated 21-12-1985.

Ext. P6 — Copy of letter dated 23-12-1985 from E.P.R.R. Sarma, Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.

Ext. P7 — Receipt of Under Certificate of Posting dated 24-12-1985.

- Ext. P8 — Photocopy of letter dated 13-7-1984 from E.P.R.R. Sarma, Local Secretary to the Branch Manager, S.B.I., Alleppey.
- Ext. P9 — Copy of letter from the Local Secretary to the Branch Manager, S.B.I., Alleppey.
- Ext. P10 — Copy of letter from E.P.R.R. Sarma, Local Secretary to the Chief Regional Manager, S.B.I., Regional Office, Thiruvananthapuram.
- Ext. P11 — One cover addressed to Chief General Manager, S.B.I., Regional Office, Trivandrum.
- Ext. P12 — Telegram Receipt sent to C.R.M. Romar, Trivandrum.
- Ext. P13 — Copy of memorandum dated 15-6-85 signed by 46 members addressed to the Regional Manager, S.B.I., Regional Office, Region-I, Trivandrum.
- Ext. P14 — Copy of letter dated 4-7-1984 from E.P.R.R. Sarma, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P15 — Copy of letter from E.P.R.R. Sarma, Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P16 — Copy of letter No. LSR 96/84 dated 6-10-84 from E.P.R.R. Sarma, Local Secretary, to the Regional Manager, Region-I, S.B.I., Regional Office, Trivandrum.
- Ext. P17 — Copy of letter dated 14-8-1984 from E.P.R.R. Sarma, Cashier, S.B.I., Alappuzha to the Branch Manager, S.B.I., Alleppey.
- Ext. P18 — Copy of letter No. L.S.R. 107/84 dated 10-11-1984 from E.P.R.R. Sarma, Local Secretary, to the Regional Manager, Region-I, S.B.I., Regional Office, Trivandrum.
- Ext. P19 — Copy of letter No. LSR. 123/84 dated 17-12-84 from E.P.R.R. Sarma, Local Secretary to the Regional Manager, Region-I, State Bank of India, Regional Office, Trivandrum.
- Ext. P20 — Copy of letter dated 22-5-1985 from E.P.R.R. Sarma, Cashier, S.B.I. Allappuzha to the Branch Manager, S.B.I., Allappuzha.
- Ext. P21 — Copy of memorandum dated 15-6-1985 signed by 46 members addressed to the Regional Manager, S.B.I., Regional Office, Region-I, Trivandrum.
- Ext. P22 — Copy of letter No. R100 dated 9-2-1984 from E.P.R.R. Sarma, Local Secretary to the Branch Manager, S.B.I., Alleppey.
- Ext. P23 — Letter dated 27-3-1984 from E.P.R.R. Sarma, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P24 — Copy of letter dated 4-7-84 from E.P.R.R. Sarma, Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P25 — Copy of letter dated 5-7-84 from E.P.R.R. Sarma, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P26 — Copy of letter dated 19-5-84 from E.P.R.R. Sarma, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P27 — Photocopy of letter No. L.S.R. 62/84 dated 30-6-84 from the Local Secretary, to the Branch Manager, S.B.I., Alleppey.
- Ext. P28 — Copy of letter dated 10-7-84 from D. Mohandas, Assistant Head Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P29 — Copy of letter dated 2-8-85 from D. Mohandas, Assistant Head Cashier, S.B.I., Alleppey to the Manager, Personal Banking Division, S.B.I., Alleppey.
- Ext. P30 — Copy of letter dated 2-8-85 from D. Mohandas, Assistant Head Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P31 — Postal receipt No. 500.
- Ext. P32 — Postal Receipt No. 559.
- Ext. P33 — Photocopy of Postal Acknowledgement.
- Ext. P34 — Photocopy of Postal acknowledgement.
- Ext. P35 — Copy of letter dated 10-7-84 from D. Mohandas, Assistant Head Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P36 — Copy of letter No. LSR 62/84 dated 30-6-84 from the Local Secretary to the Branch Manager, S.B.I., Alleppey.
- Ext. P37 — Copy of letter dated 19-12-84 from D. Mohandas, Assistant Head Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P38 — Copy of letter dated 2-8-85 from D. Mohandas, Asstt. Head Cashier, S.B.I., Alleppey to the Manager, Personal Banking Division, S.B.I., Alleppey.
- Ext. P39 — Copy of letter dated 2-8-85 from D. Mohandas, Assistant Head Cashier, S.B.I., Alleppey to the Branch Manager, S.B.I., Alleppey.
- Ext. P40 — Postal Receipt No. 559.
- Ext. P41 — Postal Receipt No. 560.
- Ext. P42 — Postal Acknowledgement
- Ext. P43 — Postal Acknowledgement
- Ext. P44 — Copy of letter dated 10-1-84 from V.G. Sidhardhan, Head Clerk to the Branch Manager, S.B.I., Alleppey.
- Ext. P45 — Copy of letter dated 18-1-84 from V.G. Sidhardhan, Head Clerk, S.B.I., Alleppey to the Accounts Manager, Accounts Department, S.B.I., Alleppey.

नई दिल्ली, 29 जनवरी, 2004

का.आ. 420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, एयर इंडिया लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण I, मुम्बई के पंचाट (संदर्भ संख्या 63/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-01-2004 को प्राप्त हुआ था।

[सं. एल-11012/35/2003-आई. आर. (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 29th January, 2004

S.O. 420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 63/2003) of the Central Government Industrial Tribunal/Labour Court I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Air India Ltd. and their workmen, which was received by the Central Government on 26-01-2004.

[No. L-11012/35/2003-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL, NO. 1 AT MUMBAI

PRESENT:

SHRI JUSTICE S. C. PANDY, Presiding Officer

Reference No. CGIT-63 of 2003

PARTIES:

Air India Ltd.,

AND

Their workman Shri G. D. Bhayade

APPEARANCES:

For the Management : Shri Kumar Vaidyanathan,
Advocate

For the Workmen : Shri Jai Prakash Sawant,
Advocate

State : Maharashtra

Mumbai, dated this the 29th day of December, 2003

AWARD

1. This is a reference under Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) The terms of reference as per Schedule are as follows :

“क्या मैं एयर इंडिया लिमिटेड मुंबई के प्रबंधन द्वारा दिनांक 6-4-1999 से श्री जी०डी० भायाडेए लोडिंग सुपरवाइजर को सेवा से बर्खास्त किया जाना विधिवत, न्यायसंगत एवं उचित है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?”

2. An application has been filed on behalf of Shri G.D. Bhayade, the Loading Supervisor that the dispute between the parties has been amicably settled. The workman has been re-instated by order dated 9th May, 2003. The workman has filed a copy of the order dated 9th May, 2003. It is made part of record of this case along with the application filed on 29-12-2003 the opposite counsel has no objection.

3. Accordingly now no dispute survives as the workman has been reinstated. The reference is thus answered by stating that in view of the order 9th May, 2003 passed by the Air India, the workman has been reinstated. The dispute does not survive. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 29 जनवरी, 2004

का.आ. 421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, यूनाइटेड वेस्टर्न बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, सांगली के पंचाट [संदर्भ संख्या रेफ (आई० डी० ए०) नं० 90/97] को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-01-2004 को प्राप्त हुआ था।

[सं. एल-12012/171/96-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. (IDA) No. 90/97] of the Labour Court, Sangli now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of United Western Bank Ltd. and their workman, which was received by the Central Government on 28-01-2004.

[No. L-12012/171/96-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI P. S. NARKAR PRESIDING OFFICER LABOUR COURT, SANGLI

Ref. (IDA) No. 90/97

Management of the United Western Bank Ltd. having its Head Office at 172/4, Raviwar Peth, Shivaji Circle, Satara-415001

.....I Party

AND

Shri Raju Sudam Nikalaje
Mahanager, New Bataji Nagar,
Aurangabad

.....IIInd Party

In the matter of reinstatement with continuity of service and full back wages.

APPEARANCES:

Shri D. G. Dhigale, Advocate for 1st Party
Shri S. N. Inamdar, Advocate for IInd Party

AWARD

(Date : 8-1-2004)

1. The Chief Labour Commissioner (C), New Delhi has forwarded this reference under clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 for adjudication over the following demand of the IInd party.

DEMAND

Whether the action of the management of the United Western Bank Ltd., Satara in terminating the service of Shri Raju Sudam Nikalaje, ex-peon, Ichalkaranji Main Branch w.e.f. 2-6-93 is legal and justified? If not, what relief the workman is entitled to.

2. Record shows that IInd party is absent on several dates and even today also. Issues were framed in 2001 and Reference is kept for passing order on Ex. 1 on 18-6-02. It appears IInd party is not interested in proceeding further in the matter. Hence this reference is rejected for non-substantiation and in default of the IInd party with no order as to cost. Award accordingly.

Sangli:

Dated: 8-1-2004

P. S. NARKAR, Presiding officer

नई दिल्ली, 29 जनवरी, 2004

का.आ. 422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद नं० 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-2004 को प्राप्त हुआ था।

[सं. एल-40011/7/95-आई. आर. (डीयू)]

कुलदीपराय वर्मा, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, No. I, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Telecom Deptt. and their workmen, which was received by the Central Government on 29-01-2004.

[No. L-40011/7/95-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE**BEFORE THE INDUSTRIAL TRIBUNAL-I
ANDHRA PRADESH, HYDERABAD****PRESENT:**

Shri S. Bhujanga Rao, B.Sc., B.L.,
Industrial Tribunal-I

Dated : 30th day of December, 2003

Industrial Dispute No. 85 of 1995

BETWEEN:

G. V. Subbaiah, S/o G. P. Venkataiah,
C/o Shri N. Anjaneyulu, T.O.C. Telephone,
Exchange, Virukonda-522647

Guntur District

....Petitioner

AND

The Telecom District Engineer,
Ananthapur-515050

....Respondent

APPEARANCES:

Sri C. Suryanarayana, Advocate for the Petitioner

Sri R. S. Murthy, Advocate for the Respondent

AWARD

The Government of India by its Order No. L-40011/7/95-IR (DU), dated 27-11-1995 made a reference to this Tribunal under Sub-section (1) (d) and 2 (A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute as to whether the action of the Management, Telecom District Manager, Ananthapur is justified in terminating the services of G. V. Subbaiah, a workman herein with effect from 1-7-1986. If not to what relief is he entitled to ?

The averments of the claim statement filed by the petitioner workman in brief are as follows :—

The petitioner workman was employed in Guntakal Sub-Division for 51 days during January and February 1982 as per Memo No. E. 42/82-83 dated 9-12-1983 issued by the Sub-Division Officer, Telecom, Guntakal. He was employed in construction work. On completion of the construction work the workman was sent to Tadipatri Sub-Division and the S.D.O. T. Tadipatri formerly selected the workman for appointment as casual mazdoor in his Sub-Division with effect from March, 1982 vide his letter No. E. 39/82-83 dt. 22-12-1984 showing the workman and five others who were also formerly recruited but on different dates as casual mazdoors. The workman was employed in Tadipatri Sub-Division with effect from March, 1982. While he was so employed, S.D.O. Guntakal issued a formal letter No. E. 41/86-87 dated 19-5-1986 showing the names of seven casual mazdoors including the workman herein and informed the Employment Officer, Employment Exchange, Anantapur that they were recruited on different dates shown against

their names in the said letter dated 19-5-1986. During 1982 the workman was employed for 246 days, during 1983 he was employed for 249 days, during 1984 he was employed for 165 days, during 1985 for 183 days, during 1986 for only 59 days.

After June, 1986 the workman was retrenched from service for no valid or justifiable reasons. He was not given any notice nor given any notice period wages or other compensation at the time of retrenchment. The retrenchment is thus caused violation of mandatory provisions of Chapter V-A of the I.D. Act and therefore ab initio void. The workman approached the authorities several times for reinstatement but without success. At that time, he did not know that he is entitled to protection under the I.D. Act and therefore he did not raise any dispute against the illegal retrenchment. But as soon as he became aware of the rights, he raised the industrial dispute. The Petitioner workman prays for declaration that his services have been illegally terminated and that the termination is retrenchment which is void ab initio and therefore the workman is entitled to reinstatement with continuity of service though without back wages for the period from 4-9-1986 to the date on which he was obliged to raise industrial dispute before the Assistant Labour Commissioner, Hyderabad on 19-6-1997 and that he is entitled to protection of his seniority as casual mazdoor in Anantapur Telecom District with all consequential and incidental benefits including absorption in the regular establishment as regular mazdoor in Group-D Cadre and for grant of temporary status pending for regularisation as per D.O.T's Order No. 269-10/89-STN, dt. 7-11-1989 and award may be passed accordingly.

3. The Respondent Management filed counter denying material allegations made in the claim statement and put the petitioner to strict proof of the same. This respondent however contended that the Respondent Department, is Providing Telecommunication service to the general public and is not carrying on its activities on commercial basis but it is only on service motive basis, and it cannot be termed as industry. The respondent, further contended that the Labour Department, Industries Department, Factories Department etc., have not required the Respondent Department Officers to obtain the licence/ the registration certificates for the purposes of the respective labour welfare enactments like I.D. Act, A.P. Shops and Establishments Act etc. Thus the office of the Respondent is neither an industry nor a factory. Hence the provisions of the I.D. Act are not applicable to the Respondent. Therefore the present I.D. is not maintainable before this Tribunal.

It is further contended that at no time the Respondent have terminated the services of the petitioner workman either on 1-7-1986 or on any other day. Thus the question of his reinstatement into service with back wages, all the attendant benefits, continuity of service and absorption into the regular establishment does not arise. As a matter

of fact the petitioner himself stopped attending work and the allegation that his services were terminated is incorrect and invented for the purpose of present case. It is further contended that the Petitioner was engaged for 51 days from January, 1982 to February, 1982 in Guntakal Sub-Division in the beginning. He was sponsored by the Sub-Divisional Officer Telecom, Tadipatri, the date of selection being March, 1982, and that the petitioner was sponsored by the Sub-Divisional Officer, Guntakal the date of selection being 1-1-1982.

The working days particulars submitted by the petitioner workman are verified from the official records and the comparative statement is given below :

Year	Days particulars as submitted by the applicant	Days particulars as verified from the official records
1982	246	246
1983	249	233
1984	167	167
1985	183	183
1986	59	59

Further, the petitioner did not work in the months of April, 1984, May 1984, June 1984 and also from October, 1985 to March 1986 and from July 1986 onwards the petitioner did not turn up for duty. The allegation that the petitioner has approached the officers of the Respondent after July, 1986 is incorrect and false. That after a gap of several years he moved the Labour Department and the Respondent has participated in the conciliation process held by the Asst. Labour Commissioner (Central) Hyderabad. The Petitioner was working in purely temporary nature of works on adhoc basis and the said person cannot claim any employment on permanent basis as a matter of right, and his claim for regularisation or for some status in the Respondent does not arise.

It is further contended that this Respondent believe the same to be true that the petitioner who was working on daily rated basis as a casual mazdoor in the Respondent, having procured a lucrative and attractive assignment left the employment for his better prospects during the year 1986 and that he is gainfully employed and also engaged himself in other profitable avocations all these years and as such he has not evinced any interest to claim his employment for several years. It is submitted that the petitioner is making an attempt to procure the Government job after a gap of several years without there being any reasonable claim. Hence the petitioner is not justified in raising the present dispute and that he is not entitled to any relief.

4. Basing on the pleadings of both the parties, the Chairman the then of this Tribunal framed the following

point for consideration "whether this Tribunal has got jurisdiction to adjudicate this dispute." After hearing both parties, the Chairman the then of this Tribunal, basing on the decision of the Apex Court, the Sub-Division Inspector and eight others Vs. Theyyam Joseph etc. (AIR 1996 S.C. 1271) held that Telecom Department is not an 'industry' to fall within the definition of Section 2(j) of the I. D. Act and hence rejected the reference on the ground that this Tribunal has no jurisdiction to entertain the dispute. Aggrieved by the said Award, the petitioner workman preferred a Writ Petition No. 20325/96 before the Hon'ble High Court of Andhra Pradesh. His Lordship Justice D. Prakash Rao by an order dt. 2-9-2002 set aside the award dt. 4-9-96 passed by this Tribunal holding that the Telecom Department held to be an industry and remanded the matter to this Tribunal for conducting fresh inquiry after giving notice and opportunity to both sides and pass an order according to law.

5. After receipt of records from the Hon'ble High Court, the case was restored to file. Notices were issued to both parties and both the parties appeared through their Advocates.

6. The Petitioner-workman was examined as W.W1 and got marked Exs. W1 to W9. On behalf of the Respondent Management M.W1 was examined and Exs. M1 to M4 were marked.

7. Now the points that arise for consideration are (1) whether the respondent management terminated the services of the petitioner as contended by the petitioner? If so (2) whether the action of the Management of Telecom, Anantapur is justified in terminating the services of the workman G. V. Subbaiah with effect from 1-7-1986. If so, to what relief?

8. The contention of the petitioner is that he was employed as casual mazdoor in Tadipatri Sub-Division, Telecom with effect from March, 1982. During 1982 the petitioner workman was employed for 246 days, during 1983 he was employed for 249 days, during 1984 he was employed for 165 days, during 1985 he was employed for 183 days and during 1986 he was employed for 59 days. After June, 1986 the workman was retrenched from service for no valid or justifiable reasons without giving any notice or notice period wages at the time of retrenchment. The retrenchment is, therefore, in violation of mandatory provisions of Chapter V-A of the I.D. Act and as such is illegal and ab initio void. The Petitioner is, therefore, entitled to reinstatement with continuity of service.

9. On the other hand, the contention of the Respondent Management is that the Respondent Department is neither an industry nor a factory and provisions of the I.D. Act are not applicable to the Respondent-Department. Therefore, the present industrial dispute is not maintainable before this Tribunal. The Respondent further contended that the petitioner worked

intermittently in 1982 for a total period of 246 days in different works and at different places. Similarly, the petitioner worked on muster rolls at different places in Guntakal Sub-Division from 1982 to June 1986. He was engaged in 1983 for 233 days, in 1984 for 167 days, in 1985 for 183 days, and upto 30th June, 1986 for 59 days. The workman thereafter was not engaged after the completion of the work. The workman also was not interested in the work and he never approached for any work except filing the complaint before the Assistant Labour Commissioner in 1994. Thus the petitioner abandoned his duty. Therefore, the question of retrenchment of the petitioner does not arise and in fact there is no retrenchment. The petitioner is therefore not entitled for reinstatement with continuity of service.

10. The then Chairman of this Tribunal in the previous award dt. 4-9-1996 made in this industrial dispute, rejected the reference holding that Telecom Department is not an 'industry' within the meaning of Section 2(j) of the Industrial Disputes Act, 1947 and as such this Tribunal has no jurisdiction to entertain the dispute. Aggrieved by the said Award, the petitioner preferred Writ Petition No. 20325 of 1996 on the file of Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court relying on the decision reported in G.M.T.G.T.R. vs. A. Srinivas Rao (AIR 1998 S.C. 656) held that the department of Telecom is an 'industry' and allowed the Writ Petition and set aside the Award directing this Tribunal to conduct a fresh enquiry. The Respondent has not placed any material to come to a conclusion that the Telecom Department is not an 'industry'. Therefore the findings of the Hon'ble High Court that the Telecom Department is an 'industry' holds good. Therefore, the contention of the Respondent that the Telecom Department is not an industry is not sustainable.

11. The Petitioner as W.W1 has stated that he worked as casual mazdoor in Telecom Department, Guntakal Sub-Division, Anantapur Division for 51 days in January and February, 1982. Thereafter he was shifted to newly established Tadipatri Sub-Division where he worked from 1982 till 1986. Exs. W1 to W5 corroborates the above evidence of W.W1. In fact, the Respondent has admitted that W.W1 was engaged as casual mazdoor in Telecom Department for 246 days in 1982, 233 days in 1983, 167 days in 1984, 183 days in 1985 and 59 days in 1986, but contended that the petitioner was engaged intermittently in specified work for specific period and the intermittent engagement of the petitioner came to an end with the completion of the said work and the expiry of the period.

12. Though the Petitioner contended that he worked continuously, during his cross examination as W.W1, has categorically admitted that his engagement as casual mazdoor is based on specific work orders. He categorically stated that he was engaged in Sub-Division, Nuziveedu for laying cables, that after completion of that work there

was dis-engagement, that he was engaged in Guntakal Sub-Division for laying overhead lines between Vidapanakallu to Guntakal which was based on specific work order, and that after completion of that work, he was engaged in other works at Thadipathri and surrounding villages basing on specific work orders. Ex.W5 the book maintained by the petitioner also shows that the petitioner worked intermittently in different works and at different places i.e., for specific period for specific work. In view of the above facts and circumstances, it is established that the petitioner worked as casual mazdoor on daily wages for specific works for specific periods from 1982 upto 30th June, 1986 intermittently but not continuously as contended by the petitioner.

13. The contention of the Petitioner is that he was retrenched from 1-7-1986 without any notice or payment of compensation contrary to Section 25-F of the I.D. Act and as such he is entitled for reinstatement with continuity of service. On the other hand the contention of the Respondent is that after June, 1986 the Petitioner was not engaged after completion of work, as there was no work. The petitioner also did not turn up for work from July, 1986. He never approached the Mustering Officers for providing him work. The Petitioner was never retrenched nor terminated from July, 1986. That apart, there is no retrenchment within the meaning of Section 25-F of the Industrial Disputes Act as the engagement of the petitioner at all times was on daily wages, for specific period, for specific work. The petitioner is therefore not entitled to any relief as sought for by the Petitioner.

14. W.W1 during his chief examination has stated that after June, 1986 all works were stopped and no mazdoor was employed. In the month of July, 1986 he visited Sub-Divisional Office, Tadipatri, to enquire whether there was any work and he was told that there was no work and that he would be informed as and when there was work for them. But the management did not call him for work. On the other hand his junior was appointed. When he questioned the Management as to why he was not employed though he was head mazdoor, they replied that there was work for only six members. Out of six persons employed one is junior to him. Then he raised dispute before the Assistant Labour Commissioner (Central) Hyderabad.

15. In the claim statement, it has been stated that W.W1 approached the officers several times, but they refused to admit him to duty on the plea that there is break in his service. But the evidence of W.W1 is inconsistent with the above plea in the claim statement. Except the interested testimony of W.W1, there is no evidence to show that W.W1 approached the officials of the Respondent, for work, in the month of July, 1986 or at any point of time after June, 1986. During his cross examination W.W1 has admitted that he did not represent to the authorities concerned, in writing at any point of time, after 1986, upto the complaint vide Ex.W.7 given by him to the Assistant

Labour Commissioner in the year 1994. W.W1 did not adduce any evidence as to when and how he approached the authorities for work. It is suggested to W.W1 that he never approached Respondent Management and enquired about availability of work and that he was not re-engaged as he did not approach the management for work upto 1994. In view of the above facts and circumstances, the inconsistent interested and un-corroborative testimony of W.W1 is not believable. There is no cogent evidence on record to show that W.W1 approached the authority, for work after June, 1986 till 1994. M.W.1 has stated that after June, 1986, the Petitioner never approached the Mustering Officer for providing him work and that the Petitioner (W.W.1) never represented to either Mustering Officer or higher authorities at any time against his alleged termination. If really W.W.1 approached the Officials for providing him work and they refused to admit him on the plea that there is break in his service, he would not have waited till 1994 without proceeding against the Management.

16. In view of the above facts and circumstances, the contention and the evidence of W.W1 that he approached the officers of W.W1, for work, after June, 1986 etc., is an after thought and it cannot be believed. On the other hand, the contention of the Respondent that the petitioner was also not interested in the work and that he never approached for any work, appears to be true. Under these circumstances, the submission of the learned counsel for the Petitioner at para 7 of the written arguments is not sustainable and the ruling of the apex court in *SCOOTERS INDIA LTD. vs. M. MOHAMMAD YAKUB* (2001 LLR 54 S.C.) cited by the learned counsel is not applicable to the facts of the present case.

17. It has been established that the petitioner claimant was engaged on muster rolls on daily wages for specific works and for specific periods from 1982 to June, 1986, depending on availability of work. In such cases there is no retrenchment of workman within the meaning of Section 2(oo) of the I.D. Act and as such the condition of compliance of Section 25-F of the I.D. Act does not arise. I am fortified in this view by the decision of the Supreme Court in *HARYANA STATE F.C.C.W. STORE LTD. vs. P. S. SINGH AND ANOTHER* (2002 II, LLJ 1153) wherein the Supreme Court observed that the engagement/appointment of the Respondent workman was for a specific purpose for a particular period. Then disengagement on the completion of the purpose and expiry of the period, was in terms of contract of service and therefore not 'retrenchment' within the meaning of Sec. 2(oo) of the I.D. Act.

18. In *HIMANTHU KUMAR AND OTHERS. vs. STATE OF BIHAR & OTHERS* (II-LLJ, 1998 page 50) the Hon'ble Supreme Court held "When a recruitment is regulated by statutory rules, the concept of industry to that extent stands excluded, the disengagement of temporary employees on daily wages cannot be construed as retrenchment."

19. It is true that during some years, workman worked for 240 days. The mere fact of working for 240 days does not entitle the workman to claim regularisation. I am fortified by a decision of the Supreme Court in *MADHYAMIK SIKSHA PARISHAD, U.P. vs. ANIL KUMAR MISRA* (AIR 1994 S.C. 1638) wherein the Supreme Court held that attributing status of workman under Industrial Disputes Act to persons completing 240 days of work is not proper such duration of work does not create right to regularisation.

20. The contention of the Respondent and the evidence of M.W.1 is that the petitioner workman raised the industrial dispute after lapse of 9 years when the claim has become stale and the policy of not engaging any casual labour has come into force. Vide Exs. M1 to M3 the DOT ND Lr. No. Dt. 31-3-1985, 22-6-1988 and 12-2-1999. He, further, stated that the Respondents have, as a matter of policy discontinued engagement of casual labourers at all times for all purposes except for a period of 60 days and the provisions of para 193 of P&T Manual Vol. X engaging casual labour has become a closed establishment for all purposes thereby leaving no scope for engagement of the petitioner. the above evidence of M.W.1 is unchallenged as there is no cross examination of the above material.

21. In view of ban of engagement of casual labour from 12-2-1999 except for a period of 60 days, such an engagement exceeding 60 days has become closed establishment and the provision of the Industrial Disputes Act are not attracted to the closed establishments as per the decision of the apex court in *HARIPRASAD SIVASHANKAR SUKLA v. A.D. DIVELKAR* (AIR 1957 S.C. 121) and also in *Sathis Gupta's* case reported in 1980(3) S.C.C. 340.

22. Having regard to the facts and circumstances discussed above, I have no hesitation to hold that the Respondent is justified in terminating the services of the workman G.V. Subbaiah.

23. In the result an Award is passed holding that the action of the Management of Telecom; Anantapur is justified in terminating the services of the workman G.V. Subbaiah with effect from 1-7-1986. Hence the reference is answered accordingly.

Dictated to the Senior Stenographer, transcribed by him, corrected by me, given under my hand and the seal of this Tribunal, this the 30th day of December, 2003.

S. BHUJANGA RAO, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Petitioner :	Witnesses Examined for Respondent :
W.W.1 G.V. Subbaiah	M.W.1 S. M. Hussain (on affidavit)

Documents marked for the Petitioner :

Ex W1 9-12-82	Memo issued by S.D.O. Telecom, Guntakal.
Ex W2 22-12-84	Letter of S.D.O. Telecom; Tadipatri to the Employment Officers, Cuddapah/Vijayawada/ Anantapur.
Ex W3 18-5-85	Letter S.D.O. Telecom, Guntakal to the Employment Officer, Anantapur.
Ex W4	Carbon copy of the letter sent to W.W.1 by the S.D.O.T. Tadipatri.
Ex W5	Working days particulars Note Book.
Ex W6 13-6-94	Copy of the complaint made to the A.L.C. (C) Hyderabad by the petitioner.
Ex W7	Xerox copy of reply given by S.D.O.T. Guntakal to Ex. W6.
Ex W8	Xerox copy of the Minutes of conciliation proceedings.
Ex W9	Xerox copy of the conciliation report submitted by A.L.C. to Government of India.

Documents marked for the Respondent :

Ex M1	Xerox copy of the D.G.P. & T. Lr. dt. 30-3-85 regarding engagement of casual labour.
Ex M2	Copy of D.O.T. New Delhi Lr. No. 270-6/84- SGT Dt. 22-6-88 regarding casual labour recruitment.
Ex M3	Copy of office memorandum dt. 12-2-1999 regarding engagement of casual labour ban- regarding.
Ex M4	Copy of Rules regarding the destruction of accounts records pertaining to the accounts audited by the Indian Audit Department.

नई दिल्ली, 29 जनवरी, 2004

का.आ. 423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधपत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 166/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-2004 को प्राप्त हुआ था।

[सं. एल-40012/260/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 423.—In pursuance of Section 17 of the Industrial Disputes Act, (14 of 1947), the Central Government hereby publishes the award (Ref. No. 166/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure

in the Industrial Dispute between the employers in relation to the Management of Telecom Deptt. and their workman, which was received by the Central Government on 29-01-2004.

[No. L-40012/260/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT,
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AT HYDERABAD**

Present :—Shri E. Ismail, B.Sc., L.L.B.,
Presiding Officer

Dated the 31st day of December, 2003

INDUSTRIAL DISPUTE No. 166/2002

**(Old I.D. No. 51/99 transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)**

BETWEEN :

Sri T.S. Chakravarthi,
"Sreenivas Sharadanagar",
St. No. 4, Ramalayam,
Anakapalle-531001.

AND

1. The Sub-Divisional Officer,
Telecommunications,
Chodavaram-531036,
Visakhapatnam District.
2. The General Manager
Telecommunications,
Deptt. of Telecommunications,
Andhra Circle, Telecom District,
Daba Gardens, Visakhapatnam-530020.
3. The Divisional Engineer,
Telecommunications,
Maintenance-5,
Anakapalle-531001,
Visakhapatnam District.

... Respondents

Appearances :

For the Petitioner : M/s A. V. Sambasiva Rao & A. S.
Ramasarma, Advocates

For the Respondent : M/s M. Ramkoti, &
M. Madhava Rao, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-40012/260/99-IR(DU) dated 18.11.1999 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal cum Labour Court, Visakhapatnam between the management of Telecommunications and their workman which has been

transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No.-11026/1/2001-IR(C.II) dated 18.10.2001 bearing No. ITID. 51/99. The reference is.

SCHEDULE

"Whether the termination of services of Sri T. S. Chakravarthi. Ex-casual mazdoor w.e.f. 24-2-96 by the Management of Telecommunications, Visakhapatnam is legal and justified? If not, to what relief he is entitled?"

The reference is renumbered in this Tribunal as I.D. No. 166/2002 and notices were issued to the parties.

2. The brief facts as mentioned in the claim statement are: That the Petitioner has worked from February, 1984 to December, 1985 continuously and the Management stopped giving work from 1993 till the date of illegal termination on 24-2-96. The entire service was continuous and unblemished. The Management without following the provisions contemplated in law terminated the services of the workman which is illegal, arbitrary and bad. He was served with a notice under memo number A-20/95-96, dated 23-1-96. It was alleged that the working days between 1-2-84 to 31-12-85 submitted by this workman are in genuine and hence, the workman has willfully cheated the Department by submitting in genuine days to gain employment in this division. Hence, his services were terminated by giving one month notice under section 25-F of the Industrial Disputes Act, 1947. The said notice is submitted. A representation was given. He approached the Hon'ble Central Administrative Tribunal, Hyderabad and challenged the said orders vide OA No.258/96. The Hon'ble Central Administrative Tribunal passed an order on the admission stage itself on 23-2-96. So the orders of the Hon'ble Central Administrative Tribunal, Hyderabad are submitted as document No.3. As there is no response from the Management the workman approached the Assistant Labour Commissioner(C), Visakhapatnam. He conducted joint meetings and there is no meeting point hence, he referred the matter to the Government of India, Ministry of Labour, which in turn has made a reference to This Hon'ble Tribunal. The representation submitted to the Asstt Labour Commissioner(C) is document No.4.

3. That the Management suppressed muster rolls register and other important documents and invented the order of termination. The Management invented the misconduct against the workman. If it really so he should have been issued with a charge sheet and his explanation should have been called for and domestic enquiry should have been conducted according to the rules of the Management by giving opportunity under principles of natural justice. The way in which the Management has terminated his services in harmoniously. Hence, it is prayed to set aside the retrenchment order dated 24-2-96, and pass an Award in favour of the workman directing the Management to reinstatement into service, continuity

of service with full back wages and all attendant benefits.

4. A counter was filed that the telecom Department is not an industry. A casual mazdoor is not an employee and engagement and dis-engagement is according to availability of jobs. It is need based only. The dismissal is not retrenchment. He misrepresented that he worked as casual mazdoor from 1-1-84 to 31-12-85 under one Sri Ch. Venkata Rao, L.I (T) and Sri P. Joga Rao, S.I., who had not at all worked at Narasipatnam. The muster roll numbers quoted by the claimant in the eleven certificates filed by him have been verified by the Assistant Chief Accounts Officer (Works & Budget) and found that except the 6 muster rolls i.e., 302/13, 305/20, 306/11, 313/1, 1817/17, and 1817/16 all the rest of muster roll numbers were not at all issued by the Management and his name was not found in these six muster rolls and the work particulars and certificates produced by him are spurious and not genuine. The Hon'ble Central Administrative Tribunal, Hyderabad by its order conferred liberty on the Management to give effect to the retrenchment order, if the work particulars filed by the workman are found to be false. The claimant has resorted to this dispute just to fall within the purview of the instructions of the Chief General Manager, Telecom, Hyderabad issued in February, 1993 vide TA/RE/20-2/RLGS/CORR and claim regularisation on the pretext of his continuance after 31-3-85 in pursuance of the said purpose he gained employment in Chodavaram sub-division by producing bogus certificates. That C.C.S. (CCA) rules do not apply to casual mazdoors as per rule 3 (1)(C) and as such the claimant is not entitled to claim a full fledged disciplinary enquiry. Hence, the petition may be dismissed.

5. The Petitioner examined himself as WW1 and deposed that he worked as casual mazdoor from 1993 to 1996. He was given a notice of termination on 23-1-96. That the allegation that he did not work is false. Hence, he may be reinstated with back wages, continuity of service etc.

6. In the cross examination he deposed that he filed OA No.258/96 questioning the retrenchment notice and also for the consequential relief of reinstatement with all benefits. He does not know the result of the Judgement on OA. It is not true to suggest that, that the Central Government rules does not apply to casual mazdoors for engagement or dis-engagement. He has not received any letter dated 23-1-96 issued by SDO. He denied that he has filed fake documents.

7. The Management examined Sri U. Ramakrishna, SDE(Legal) who worked as commercial officer (Central), Visakhapatnam-16. The Hon'ble Central Administrative Tribunal, Hyderabad directed them to check whether

Chakravarthy has worked for 353 days from 1-2-84 to 31-12-85. Accordingly, they got it checked by Vigilance Department that he has brought the original muster rolls from December, 1984 to July, 1985. That name of Chakarvarthy was not there during the said period. He marked Ex.M1 to M8. The Hon'ble Central Administrative Tribunal, further directed that the claim of the Petitioner is not genuine the retrenchment order can be enforced and the matter was also brought to the notice of the Assistant Labour Commissioner(C), Visakhapatnam during the conciliation proceedings. A copy of the letter is also supplied to the petitioner along with other relevant documents. Hence, the retrenchment orders are correct.

8. In the cross-examination he deposed that all facts as mentioned in the counter. That after receipt of the retrenchment order the workman approached the Hon'ble Central Administrative Tribunal, Hyderabad. The Hon'ble Central Administrative Tribunal, Hyderabad directed the Management to verify the records for the period from 1-2-84 to 31-12-85. After receipt of the Hon'ble Central Administrative Tribunal, Hyderabad directions the Management verified the records pertaining to the above said period. After receipt of the Hon'ble Central Administrative Tribunal, Hyderabad orders the Management filed to Vigilance wing and AGM(A) was verified by the Vigilance Officer. While the report was submitted before the AEM(Admn.) The Workman approached the Assistant Labour Commissioner(C), the Management appeared and submitted remarks Ex.M8. The Management has not given any notice by serving Vigilance report and calling explanation from the Petitioner. From their case file there are no documents with regard to Vigilance wing enquiry report and depositions as those documents are confidential.

9. It is argued by the Learned Counsel for the Petitioner that even if as per the orders of the Hon'ble Central Administrative Tribunal, Hyderabad in OA No.258/96 a Vigilance report is called for then, the copy of the Vigilance report should have been given and the explanation of the Petitioner should have been called for. Firstly, there was no enquiry. It is something different to retrench a person on the ground that there is no work but it is something different to retrench him on the ground that he has given some fabricated document. When some stigma is attached, principles of natural justice require that he should be asked to face enquiry. He should be given a charge sheet when all that is not done even when the Hon'ble Central Administrative Tribunal, Hyderabad, ordered to check the details it does not mean that the said checking would be done behind the back of the Petitioner. Hence, the dismissal is illegal and the Petitioner may be reinstated with all back wages.

10. The Learned Counsel for the Respondent argued that having selected forum of Hon'ble Central Administrative Tribunal, Hyderabad in OA No. 258/96 and the Hon'ble Central Administrative Tribunal, Hyderabad directed on 23-2-96 itself at the admission stage held as follows, "in view of the above, the following direction is given: R5 should check the details given by the applicants in regard to their working during the period 1-2-84 to 31-12-85 and if it is found to be ingenuine the retrenchment order can be enforced". And they have undertaken that exercise and again found that the details furnished by the Petitioner between 1-2-84 to 31-12-85 are not genuine. Hence, there is nothing more to be done and the reference may be ordered in favour of the Respondent.

11. It may be seen that when the Hon'ble Central Administrative Tribunal, Hyderabad has given a Judgement as stated above, this Court cannot again give a separate direction but however in view of the categorical admission by MW1 that there are no papers or documents in his case file of the Vigilance enquiry and depositions etc. and he is not aware whether the Management before preparing counter called for the vigilance report. No doubt the Management has marked certain documents, MRs from December 1984 till July, 1985, Ex.M1 to M8. But, still the principles of natural justice have to be followed. Hence, I am of the opinion that the Management can be directed to check the details given by the Petitioner about his working between 1-2-84 to 31-12-85 and if the Vigilance wing gives a report, they have to issue a notice along with the Vigilance report and call for his explanation and after considering his explanation, then only the retrenchment order will become final. according, the reference is ordered as follow : The action of the Management in terminating the services of Sri T. S. Chakravarthy, ex-casual mazdoor w.e.f. 24-2-96 by the Management of Telecommunications, Visakhapatnam is not legal and justified. However, he is not entitled for any reinstatement or back wages and the Management is directed to verify whether the Petitioner has worked between 1-2-84 to 31-12-85 as directed by the Hon'ble Central Administrative Tribunal, Hyderabad OA No. 258/96 by order dated 23-2-96 at the admission stage only and if it is found that he has not worked and filed fake documents then he should be issued a notice calling for his explanation along with a copy of Vigilance report and if his explanation is not found satisfactory and if it is found that he has not worked from 1-2-84 to 31-12-85 then the retrenchment order can be enforced. If it is found otherwise that is, he has worked from 1-2-84 to 31-12-85, then he should be reinstated and paid future wages only. He will not be entitled for back wages. The Management should complete the exercise of calling for Vigilance report issuing a notice calling for his explanation within three months from the publication of this Award, failing which the Petitioner has to be taken back into service as casual employee without back wages.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner: Witnesses examined for the Respondent:

WW1: Sri T.S. Chakravarthy MW1: Sri U. Ramakrishna

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

Ex.M1: Copies of muster rolls from Dec. 1984 to July, 1985

Ex.M2: Muster roll for December 1984

Ex.M3: Muster roll for February, 1985

Ex.M4: Muster roll for March, 1985

Ex.M5: Muster roll for May, 1985

Ex.M6: Muster roll for June, 1985

Ex.M7: Muster roll for July, 1985

Ex.M8: The office copy of Lr No. ALC/8 (13) & (14)/98 12 of the Telecom Department dated 5-2-99.

नई दिल्ली, 29 जनवरी 2004

का.आ. 424.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 172/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-2004 को प्राप्त हुआ था।

[सं. एल-40012/259/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 424.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 172/2002) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Telecom Deptt. and their workman, which was received by the Central Government on 29-01-2004.

[No. L-40012/259/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present: Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 31st day of December, 2003

INDUSTRIAL DISPUTE No. 172/2002

(Old I.D. No. 47/99 transferred from Industrial Tribunal
-cum-Labour Court, Visakhapatnam)

BETWEEN:

Sri B. Venkata Reddy,
C/o B. Appalaswamy, ... Petitioner
Narasayyapeta,
Gandhinagar School,
Chodavaram-531 036.

AND

1. The Sub-Divisional Officer,
Telecommunications,
Chodavaram-531 036.
Visakhapatnam District.
2. The Divisional Engineer,
Telecommunications,
Maintenance-5,
Anakapalle-531 036.
Visakhapatnam District.
3. The General Manager,
Telecommunications,
Deptt. of Telecommunications,
Andhra Circle, Telecom District,
Daba Gardens, Visakhapatnam - 530 020.
... Respondents

APPEARANCES:

For the Petitioner : M/s A.V. Sambasiva Rao & A.S.
Ramasarma, Advocates

For the Respondent : M/s M. Ramkoti, & M. Madhava
Rao, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-40012/259/99-IR(DU) dated 29.10.99 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Telecommunications and their workman which has been

transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11 026/1 /2001-IR(C. II) dated 18.10.2001 bearing No. 47/1999. The reference is,

SCHEDULE

"Whether the termination of services of Sri B. Venkata Reddy, ex-casual mazdoor w.e.f. 24-2-96 by the Management of Telecommunications, Visakhapatnam is legal and justified? If not, to what relief he is entitled?"

The reference is renumbered in this Tribunal as I.D. No. 172/2002 and notices were issued to the parties.

2. The brief facts as mentioned in the claim statement are: That the Petitioner has worked from February, 1984 to December, 1985 continuously and the Management stopped giving work from 1993 till the date of illegal termination on 24-2-96. The entire service was continuous and unblemished. The Management without following the provisions contemplated in law terminated the services of the workman which is illegal, arbitrary and bad. He served with a notice under memo number A-20/95-96, dated 23-1-96. It was alleged that the working days between 1-2-84 to 31-12-85 submitted by this workman are ingenuine and hence, the workman has wilfully cheated the Department by submitting ingenuine days to gain employment in this division. Hence, his services were terminated by giving one month's notice under Section 25-F of the Industrial Disputes Act, 1947.

The said notice is submitted. A representation was given. He approached the Hon'ble Central Administrative Tribunal, Hyderabad and challenged the said orders vide OA No. 258/96. The Hon'ble Central Administrative Tribunal passed an order on the admission stage itself on 23-2-96. So the orders of the Hon'ble Central Administrative Tribunal, Hyderabad are submitted as document No. 3. As there is no response from the Management the workman approached the Assistant Labour Commissioner (C), Visakhapatnam. He conducted joint meetings and there is no meeting point hence, he referred the matter to the Government of India, Ministry of Labour, which in turn has made a reference to this Hon'ble Tribunal. The representation submitted to the Assistant Labour Commissioner (C) is document No. 4.

3. That the Management suppressed muster rolls register and other important documents and invented the order of termination. The Management invented the misconduct against the workman. If it is really so he should have been issued with a charge sheet and his explanation should have been called for and domestic enquiry should have been conducted according to the rules of the

Management by giving opportunity under principles of natural justice. The way in which the Management has terminated his services inharmoniously. Hence, it is prayed to set aside the retrenchment order dated 24.2.96, and pass an Award in favour of the workman directing the Management to reinstatement into service, continuity of service with full back wages and all attendant benefits.

4. A counter was filed that the telecom Department is not an industry. A casual mazdoor is not an employee and engagement and disengagement is according to availability of jobs. It is need based only. The dismissal is not retrenchment. That the Petitioner entered into job in February, 1993 at Chodavaram Sub-Division within the jurisdiction of Management by misrepresenting that he worked as casual mazdoor from 1-2-84 to 31-12-85 under one Sri K. Atchanna, S.I (T), Narasipatnam. It was a sub-division at that time. The workman was given work in February, 1993 on his representation that he was in continuous engagement as a casual mazdoor. After 31-3-1985 as per the work particulars and certificates furnished by him, the workman himself has addressed a letter in January, 1986 that he has fallen sick and could not work after 31-12-85. So it is not correct that the Management stopped him from working as alleged. On verification of the certificates and the work particulars of the MRs it is found that the workman did not work under Sri K. Atchanna during the said period as alleged and the work particulars and certificates produced by him are spurious and not genuine. The workman resorted to such kind of misconduct, fraud and misrepresentation only to gain engagement and seek regularisation. The Hon'ble Central Administrative Tribunal, Hyderabad by its order dated 23-2-96 made in OA No.258/96 conferred liberty on the Management to give effect to the retrenchment order, if the work particulars filed by the workman are found to be false. The termination of the workman after giving one month notice and offer of the amount payable under 25 F though not necessary in this case it was given. Therefore, the termination does not suffer from the vice of any discrimination. Having elected the remedy under Administrative Tribunal Act-I, the workman is not entitled to resort under the I.D. Act for a remedy. Hence, the petition may be dismissed.

5. The Petitioner examined himself as WW1 and deposed that he worked as casual mazdoor from 1993 to 1996. He was given a notice of termination on 23-1-96. That the allegation that he did not work is false. Hence, he may be reinstated with back wages, continuity of service etc.

6. In the cross-examination he deposed that he filed OA No. 258/96 questioning the retrenchment notice and also for the consequential relief of reinstatement with all benefits. He does not know the result of the Judgement on

OA. It is not true to suggest that that he has written a letter that he was sick and cannot work in the year 1984. He denied that he has filed fake documents.

7. The Management examined Sri U. Ramakrishna, SDE (Legal) who worked as commercial officer (Central), Visakhapatnam-16. The Hon'ble Central Administrative Tribunal, Hyderabad directed them to check whether Venkatareddy has worked for 636 days from 1-2-82 to 31-12-85. Accordingly, they got it checked by Vigilance Department that he has brought the original muster rolls from March, 1984 to October, 1985. That name of Venkatareddy was not there during the said period. He marked Ex.M1 to M13. The Hon'ble Central Administrative Tribunal, further directed that the claim of the Petitioner is not genuine, the retrenchment order can be enforced and the matter was also brought to the notice of the Assistant Labour Commissioner (C), Visakhapatnam during the conciliation proceedings. A copy of the letter is also supplied to the Petitioner along with other relevant documents. The office copy maintained by the telecom Department is Ex. M 14. Hence, the retrenchment orders are correct.

8. In the cross examination he deposed that after receipt of the retrenchment order the workman approached the Hon'ble Central Administrative Tribunal, Hyderabad. The Hon'ble Central Administrative Tribunal, Hyderabad directed the Management to verify the records for the period from 1-2-84 to 31-12-85. After receipt of, the Hon'ble Central Administrative Tribunal, Hyderabad directions the Management verified the records pertaining to the above said period. After receipt of the Hon'ble Central Administrative Tribunal, Hyderabad orders the Management sent the file to Vigilance wing and AGM (Admn.). It was verified by the Vigilance Officer. While the report is pending before the AGM (Admn.) the workman approached the Assistant Labour Commissioner (C), the Management appeared and submitted remarks Ex. M14. The Management has not given any notice by serving Vigilance report and calling explanation from the Petitioner. From their case file there are no documents with regard to Vigilance wing enquiry report, in his enquiry report and deposition as those documents are confidential.

9. It is argued by the Learned Counsel for the Petitioner that even if as per the orders of the Hon'ble Central Administrative Tribunal, Hyderabad in OA No.258/96 a Vigilance report is called for then, the copy of the Vigilance report should have been given and the explanation of the Petitioner should have been called for. Firstly, there was no enquiry. It is something different to retrench a person on the ground that there is no work but it is something different to retrench him on the ground that

he has given some fabricated document. When some stigma is attached, principles of natural justice require that he should be asked to face enquiry. He should be given a charge sheet when all that is not done even when the Hon'ble Central Administrative Tribunal, Hyderabad, ordered to check the details it does not mean that the said checking would be done behind the back of the Petitioner. Hence, the dismissal is illegal and the Petitioner may be reinstated with all back wages.

10. The Learned Counsel for the Respondent argued that having selected forum of Hon'ble Central Administrative Tribunal, Hyderabad in OA No 258/96 and the Hon'ble Central Administrative Tribunal, Hyderabad directed on 23-2-98 itself at the admission stage held as follows, "in view of the above, the following direction is given: R5 should check the details given by the applicants in regard to their working during the period 1-2-84 to 31-12-85 and if it is found to be ingenuine the retrenchment order can be enforced". And they have undertaken that exercise and again found that the details furnished by the Petitioner between 1-2-84 to 31-12-85 are not genuine. Hence, there is nothing more to be done and the reference may be ordered in favour of the Respondent.

11. It may be seen that when the Hon'ble Central Administrative Tribunal, Hyderabad has given a Judgement as stated above, this Court cannot again given a separate direction but however in view of the categorical admission by MW1 that there are no papers or documents in his case file of the Vigilance enquiry and depositions etc and he is not aware whether the Management before preparing counter called for the Vigilance report. No doubt the Management has marked certain documents, MRs from March 1984 till October, 1985, Ex. M1 to M13. But, still the principles of natural justice have to be followed. Hence, I am of the opinion that the Management can be directed to check the details given by the Petitioner about his working between 1-2-84 to 31-12-85 and if the Vigilance wing gives a report, they have to issue a notice along with the Vigilance report and call for his explanation and after considering his explanation, then only the retrenchment order will become final. Accordingly, the reference is ordered as follows: The action of the Management in terminating the services of Sri B. Venkata Reddy, ex-casual mazdoor w.e.f. 24-2-96 by the Management of Telecommunications, Visakhapatnam is not legal and justified. However, he is not entitled for any reinstatement or back wages and the Management is directed to verify whether the Petitioner has worked between 1-2-84 to 31-12-85 as directed by the Hon'ble Central Administrative Tribunal, Hyderabad OA No.258/96 by order dated 23-2-96 at the admission stage only and if it is found that he has not worked and filed fake documents then he should be issued a notice calling for his explanation

along with a copy of Vigilance report and if his explanation is not found satisfactory and if it is found that he has not worked from 1-2-84 to 31-12-85 then the retrenchment order can be enforced. If it is found otherwise that is, he has worked from 1-2-84 to 31-12-85, then he should be reinstated and paid future wages only. He will not be entitled for back wages. The Management should complete the exercise of calling for Vigilance report issuing a notice calling for his explanation within three months from the publication of this Award, failing which the Petitioner has to be taken back into service as casual employee without back wages. Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
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WW1: Sri B. Venkat Reddy	MW1: Sri U. Ramakrishna
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Documents marked for the Petitioner

Ex.W1: Copy of Order in OA No 258/96 of Hon'ble CAT, Hyderabad

Documents marked for the Respondent

Ex.M1 : Muster roll for March 1984

Ex.M2 : Muster roll for April 1984

Ex.M3 : Muster roll for May 1984

Ex.M4 : Muster roll for June 1984

Ex.M5 : Muster roll for July 1984

Ex.M6 : Muster roll for September 1984

Ex.M7 : Muster roll for March 1985

Ex.M8 : Muster roll for May 1985

Ex.M9 : Muster roll for June 1985

Ex.M10 : Muster roll for July 1985

Ex.M11 : Muster roll for August 1985

Ex.M12 : Muster roll for September 1985

Ex.M13 : Muster roll for October 1985

Ex.M14 : The office copy of Lr No ALC/8 (13) & (14)/98
12 of the Telecom Department dated 5-2-99.

नई दिल्ली, 29 जनवरी, 2004

का.आ. 425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 282/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-2004 प्राप्त हुआ था।

[सं. एल-40012/63/2002-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 425.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 282/2002) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Telecom Deptt. and their workman, which was received by the Central Government on 29-01-2004.

[No. L-40012/63/2002-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

**PRESENT : -Shri E. Ismail, B. Sc., LL. B.,
Presiding Officer**

Dated the 12th day of January, 2004

INDUSTRIAL DISPUTE NO. 282/2002

Between

Smt. E. Narasamma,

H. No. 6-1-976, Jagirdar Bada,

Khairatabad Post,

Hyderabad-500 004.

....Petitioner

AND

The Chief General Manager Telecom,

BSNL, Nampally Station Road, Abids,

Hyderabad-500 001.

....Respondent

APPEARANCES :

For the Petitioner : M/s. K. Srinivasa Murthy, C.
Vijaya Shekar Reddy, R.G.
Hariprasad, V. Umadevi, Prasad,
Vijay Venkatesh, M. Praveen &
Suresh, Advocates

For the Respondent : Sri. R.S. Murthy, Advocate.

AWARD

The Government of India, Ministry of Labour by its order No. L-40012/63/2002-IR (DU) dated 3-9-2002 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of BSNL and their workman.

SCHEDULE

“Whether the action of the management of Bharat Sanchar Nigam Ltd., Hyderabad in not providing employment to Smt. E. Narasamma, ex-casual labour with effect from November, 2001 is justified? If not, to what relief the applicant is entitled?”

This reference was registered as Industrial Dispute No. 279/2002 and notices were issued to the parties.

2. The brief facts as stated in the petitioner are : That the Petitioner was appointed in 1988 as a sweeper in the category of class IV, at the time of shifting the office from Triveni Complex to Doorsanchar Bhavan, Since then, she has been working continuously even on Sundays and holidays and she used to work for 12 hours a day. That she was being paid Rs. 14/- per day which was enhanced to Rs. 22/-, 35/-, 55/-, 60/- etc. In the year 2001 her wages were Rs. 80/- per day. She was receiving wages along with other regular employees every months. That on 16-9-91 the Respondent Management paid Rs. 3019/- towards wage arrears for the period 5-2-86 to 31-7-91 and obtained endorsement of the Petitioner. Without regularizing her services she was continued in minimum wages for 13 long years.

3. It is submitted that she along with another employee who was also similarly placed made several oral requests to the Respondent to regularize their services and to pay salaries on par with regular employees. However, the Respondent put a deaf ear to their requests. Finally when the then Communication Minister Hon'ble Sri Ram Vilas Paswan paid a visit to inaugurate a telephone exchange at Madhapur, Hyderabad, they had put forth their grievances and requested him for regularization of their services. He directed the Management to consider their grievances and regularize their services and pay salary on par with regular employees. Aggrieved by the request made by the Petitioner to the Hon'ble Minister the Respondent had started harassing the Petitioner and finally on 1st November, 2001 he asked the Petitioner not to attend the Respondent Company without assigning any reason or written order or without following the provisions of law.

4. That the Petitioner has put in 11 years of unblemished service and she was orally terminated on 1-11-2001 without following the provisions of law. That in spite of persuasion of Conciliation Officer the Respondent Management did not agree to provide

employment to the Petitioner and since the Petitioner and the Respondent has divergent views, hence, the conciliation proceedings ended in failure, hence, the reference. She is out of employment and there is no source of livelihood. That the provisions of Sec. 25 F were simply brushed aside. Hence, the termination is void *ab initio*. That the sort of engagement for short spell is adopted only with an intention to mask the real nature of work and to avoid regularization. This is not in tune with the Directive Principles of the State Policy and various decisions of Hon'ble Supreme Court. That the Respondent has established the master and servant relationship by virtue of paying the wage arrears for the period from 5-2-86 to 31-7-91. Hence, she may be directed to be reinstated with full back wages, continuity of service with consequential regularization together with all other attendant and consequential benefits and to pay on par with regular employees.

5. A counter was filed stating that it becomes necessary for the Respondent office to engage contingent/casual labour due to absenteeism and ban on filling up of Group 'D' posts and the said contingent/casual labour engaged on daily wages and their continuance and otherwise is dependent on the availability of work and the engagement for more than 240 days does not confer any right on them for continuity and regularization as they are not engaged against any specific post, the provisions of I.D. Act including Sec. 25 F have no application as per the settled law. That the engagement of the Petitioner from 1988 as claimed by her could not be verified as per retention schedules stipulated in Appendix to P & T FHB Vol. III. That the Petitioner as such was not given any specific appointment order and her engagement if any was intermittent depending upon the availability of work. That the certificates relied upon by the Petitioner are not relevant as they are not issued by the competent authority apart from being vague as they are not supported by any appointment orders. The Petitioner is put to strict proof in this regard. That she was engaged on contingent basis intermittently in absence of regular Group 'D' staff for sweeping, cleaning dusting and to supply water to the staff and officers during the summer season. There was no harassment. The question of termination does not arise. Hence, the petition may be dismissed.

6. The Petitioner examined herself as WW1 and deposed that she was doing the attender job and sweeping, garden work, giving water getting tea etc. She was working from 7 AM and used to stay upto 6.30 PM or 7 PM. That is a six day week only Sunday was holiday on which days also sometimes she used to attend the office depending on the exigencies of the work also. Ex. W1 is the wage slip for the month of March, 1991. She was paid Rs. 735/- on 1st April, 1991. She was paid wage arrears from 5-2-86 to 31-7-91 on 16-9-91 Rs. 3013/- vide Ex. W2. Ex. W3 dated 22-7-93 shows that during 1990 she worked for 246 days,

during 1991-240 days, during 1992-151 days, from 1-1-93 to 30-6-93-126 days. On 1-7-2000 vide Ex. W4 she gave representation for regularization. Her representation was forwarded by AGM on 26-7-2000 vide Ex. W5 together with that of Smt. P. Vijaya Lakshmi stating that they have completed 240 days. Ex. W6 was written where the Assistant General Manager has requested the Principal General Manager, Telecom to furnish the sanctioned strength and vacancies for conversion of part time casual labourers working into full time casual labourers. In reply to Ex. W6, Ex. W7 was sent on 19-4-2001 by Assistant Director General (Personnel IV) stating that there is a ban on engagement. That several casual labourers who has put in 2 years to 8 years service were regularized and their past services rendered as labourers were also competent vide Ex. W13. She was scolded as she approached the Hon'ble Minister. They scolded as to why she approached the Ministers and asked her not to come. Ex. W12 is the photo showing her with the Minister. That she may be reinstated in permanent Group 'D' service. She was not given any notice or pay in lieu thereof.

7. In the cross examination she deposed that she joined in the Department in 1988 at the behest of her cousin. She has not given any appointment order. She was paid in ACG-17. She do not remember the month in which she joined. She was paid on ACG from April, 1990, she used to sign in the rills of the casual labour for whom payment used to be made. All the exhibits submitted by her were given by Sri Yadagiri, AD (Admn.) Some casual labourers were regularized in 1992. She did not represent in 1992. She represented in 1993 and 1994. She denied that she was engaged in summer months and as and when work is available and that too for few hours and never worked for 240 days continuously in any year. She was sweeping only one floor at Triveni Complex. There were other sweepers for other floors. She denied that she approached the Minister on her own accord. She is 38 years old now. She denied that there is no violation of Sec. 25F.

8. The Respondent examined Sri M. Yadagiri, Assistant Director (Admin.) in the office of Chief General Manager Telecom, A.P., Hyderabad as MW1 who deposed that the petition is misconceived. That she was being engaged as a contingent labour now and then. The engagement at all times was on day to day basis and the said engagement ceased after completion of work. The engagement was intermittently for a period exceeding 240 days is not relevant. There is no retrenchment within the meaning of Sec. 2(oo) of I.D. Act. Hence, the ID may be dismissed.

9. In the cross examination he deposed that he knows the Petitioner since 1988. The Petitioner's daily wages were paid once in a fortnight or once in a month. It is not mentioned in the appointment order any specific period. He cannot ask or deny whether she worked continuously for 240 days in each year from 1998 to 2001.

She made a representation vide Ex. W4 on 11-7-2000 for regularization. He forwarded the same vide Ex. W5. The AGM has requested DGM vide Ex. W6 to furnish the sanctioned strength and vacancies for conversion of part time casual labourers into full time casual labourers. He denied that the Petitioner has worked continuously for 240 days every year. He is not aware whether casual labourers who worked only 2 to 8 years standing were regularized. He had not attended the meeting when the Hon'ble Minister came. But he heard that the Petitioner met him. That no notice of pay in lieu thereof to the Petitioner was paid. The witness added that no notice of pay is necessary for daily wage. He denied that she was victimized as she met the Union Minister.

10. It is argued by the Learned Counsel for the Petitioner that the Petitioner was working as sweeper from the year 1988. Ex. W3 shows that the Petitioner worked during the year 1990 for 244 days, during 1991 for 246 days, during 1992 for 247 days and during 1993 for 125 days and not only that Ex. W5 was addressed by Assistant General Manager. The representation of the Petitioner (and also Smt. P. Vijayalakshmi) to verify the records and furnish the particulars of service rendered by the above Petitioners in a detailed report. Similarly, Ex. W6 is also one such. Ex. W7 attention of all is drawn to the fact that there is complete ban on engagement of casual labour w.e.f. 22-6-1988. Ex. W8 is reference to a letter of all those left out cases of casual labourers. Ex. W9 is also a correspondence. So actually the fact is that in view of her representation to the Hon'ble Minister for Communications Sri Ram Vilas Paswan and Hon'ble Minister Sri Bandaru Dattatreya along with Smt. P. Vijayalakshmi which is evident vide Ex. W12 that this action has been taken and although having worked from 1988 completely deprived from service for a mere fact that she made a representation to the Hon'ble Ministers. He further argues that Ex. W2 is the wage arrears from 5-2-86 to 31-7-91 on 16-9-91 she was paid Rs. 3,186/- In Ex. W4 wherein it shows that she has been working regularly, the same is dated 11-7-2000 and if it was not true why should Ex. W5 letter be addressed by the Department enclosing Ex. W4. So that itself shows that she has been working even on the date 11-7-2000. That Ex. W9 is the list of left out cases. The Hon'ble Minister Sri B. Dattatreya has also written. Ex. W12 also shows her making a representation to the Hon'ble Ministers. That it is clear that having made representation to the Ministers she incurred the displeasures of the officers and was ultimately asked not to come from 1-11-2001.

11. That MW1 who is no other than Assistant Director, Administration said that they were engaged as contingent labour. That he also agreed that difference of wages were paid from 1986 to 1991 as per Ex. W2. That she was never retrenched on 1-11-2001. That her engagement for a period exceeding 240 days is not relevant and that in the cross examination he agreed that the Petitioner was

paid once in a fortnight or once in a month. It is not mentioned in the appointment order any specific period. He said that he cannot assert or deny that she worked continuously for 240 days in each year. That she made representation Ex. W4. So the Learned Counsel for the Petitioner submits that it is proved that it's a fit case for directing reinstatement. So the Counsel submits that the Petitioner may be reinstated with full back wages, continuity of service etc.

12. It is argued by the Learned Counsel for the Respondent that the Petitioner was engaged on daily wages basis intermittently due to absenteeism and ban on filling up of regular posts. There is no evidence beside Ex. W2 which shows her engagement upto 1993. Although she claims to have worked upto 1-11-2001. Her engagement never been lasted for more than 240 days at a stretch. The Petitioner claims that she was engaged since 1988 at the same time claimed that she was paid wages from 1986 to 1991. It was as per policy and has no bearing on the claim. The Petitioner was neither terminated nor retrenched. Hence, there is no question of regularization of the Petitioner and there is no proof of engagement beyond 1993 and he relied on various Judgements. He therefore prays that she is not entitled for any relief.

13. It may be seen that from Ex. W3 it is very clear that she has worked during the year 1990 for 244 days, during 1991 for 246 days, during 1992 for 247 days and during 1993 for 125 days, during the first half of the year, i.e., from 1-1-93 to 30-6-1993 for 125 days. Of course, she is unable to produce the record because the record must be available with the Respondent. That she has been asserting that she has been working for the last 10 years. She has met the Ministers and made a representation. Then the Management should have at the outright denied her claim that she is working and should have made it clear if not to the Ministers which is against the decorum, they should have atleast informed the Petitioner that she has not worked from June, 1993 as such she is not entitled for any relief at all. They have not chosen to do so. Even MW1 is unable to assert or deny whether she worked for 240 days in each year from 1988 to 2001. He agrees that she made a representation Ex. W4 dated 11.7.2000 for regularisation and that her representation has been forwarded to AGM, so taken up, in the cross examination turned round and says that she worked only from 1993. Whether it is a casual employment or a temporary employment, it is clearly established that she has been working since 1988 or rather 1986 as per MW1's own statement till 2001. That simply one cannot be asked orally not to come. Putting two plus two it is very clear that she has been asked not to come in view of her vigorously campaigning her own cause by meeting the Ministers, getting it published in newspapers they smelt that she may cause trouble to them in future and hence her services were dispensed with. Of course, according to the claim

statement she has been working as a sweeper. Therefore, I answer the reference as follows: The action of the Management of Bharat Sanchar Nigam Ltd., Hyderabad in not providing employment to Smt. E. Narasamma, ex-casual labour with effect from November, 2001 is not justified and the Respondent is directed to employ her as casual labour within 30 days from the publication of this Award. However, she is not entitled for any back wages. The Respondent is directed to consider her giving temporary status and in future even regularization if she fits in all the conditions but her age shall be taken as in the year 1988 because she claims to have been working from 1988. If the Petitioner is not taken into service within 30 days from the publication of this Award, she will be entitled to receive the last wages drawn after 30 days of the publication of this Award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 12th day of January, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
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WW1 : Smt. E. Narasamma	MW1 : Sri M. Yadagiri
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Documents marked for the Petitioner

- | | |
|----------|--|
| Ex W1 : | Copy of wage slip for the month of March, 1991. |
| Ex W2 : | Copy of wage arrears slip. |
| Ex W3 : | Copy of certificate Ir. No. TA/O&M/27-2/92-93 dt. 22-7-93. |
| Ex W4 : | Copy of WW1's representation dt. 11-7-2000. |
| Ex W5 : | Copy of Ir.No. TA/STB/20-2/Corr/KW/99 dt. 26-7-2000. |
| Ex W6 : | Copy of Ir. No. TA/STB/20-2/CORR/2000/3 dt. 29-9-2000. |
| Ex W7 : | Copy of Ir. No. 269-94/98-STN-II/Pers.IV dt. 19-4-2001. |
| Ex W8 : | Copy of Ir. No. TA/STB/9-1/Rlgs/KW dt. 26-4-2001. |
| Ex W9 : | Copy of Ir.No. TA/STB/20-2/Genl/2001/dt. 19/20-6-2001. |
| Ex W10 : | Copy of Ir.No. TA/STB/20-2/CORR/99-2000/47 dt. 28-6-2000. |
| Ex W11 : | Copy of report No. 8(02)/2002-E2 dt. 18-2-2002. |
| Ex W12 : | Photo of WW1 with the Hon'ble Union Minister. |
| Ex W13 : | Copy of office memo No. 49014/2/97-Estt. (C) dt. 8-1-2002. |

Documents marked for the Respondent

- | | |
|--------|---|
| ExM1 : | Copy of DGP & T Lr. No. 270/6/84-STN New Delhi dt. 30-3-1985. |
| ExM2 : | Copy of Office memo No. 49014/2/86-Estt (C) dt. 7-6-88. |
| ExM3 : | |
| ExM4 : | Copy of office memo No. 269-4/93-STN-II (Pt.) dt. 12-2-99. |
| ExM5 : | Copy of Appendix-5 reg. destruction of accounts, records etc. |

नई दिल्ली, 29 जनवरी, 2004

का०आ० 426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 279/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-2004 को प्राप्त हुआ था।

[सं. एल-40012/62/2002-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 426.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 279/2002) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Telecom Deptt. and their workman, which was received by the Central Government on 29-01-2004.

[No. L-40012/62/2002-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B. Sc., LL. B.,

Presiding Officer

Dated the 12th day of January, 2004

INDUSTRIAL DISPUTE NO. 279/2002

Between

Ms. P. Vijayalaxmi,

H. No. 1-60, Yaprai,

Jai Jawahar Nagar Colony post,

Secunderabad -500587.

.....Petitioner

AND

The Chief General Manager Telecom,
BSNL, Nampally Station Road, Abids,
Hyderabad-500 001.

... Respondent

Appearances :

For the Petitioner : M/s. C. Vijaya Shekar Reddy,
R.G. Hariprasad, P.V. Amarendra
Reddy, G.V. Ramana, V. Umadevi,
Prasad, Vijay Venkatesh & Sridar,
Advocates

For the Respondent : Sri. R.S. Murthy, Advocate.

AWARD

The Government of India, Ministry of Labour by its order No. L-40012/62/2002-IR (DU) dated 14-8-2002 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of BSNL and their workman.

SCHEDULE

"Whether the action of the management of Bharat Sanchar Nigam Ltd., Hyderabad in not providing employment to Smt. P. Vijayalakshmi, ex-casual labour with effect from November, 2001 is justified? If not, to what relief the applicant is entitled?"

This reference was registered as Industrial Dispute No. 279/2002 and notices were issued to the parties.

2. The brief facts as stated in the petition are: That the Petitioner was appointed in 1988 as a sweeper in the category of class IV, at the time of shifting the office from Triveni Complex to Doorsanchar Bhavan. Since then, she has been working continuously even on Sundays and holidays and she used to work for 12 hours a day. That she was being paid Rs. 14/- per day which was enhanced to Rs. 22/-, 35/-, 55/-, 60/- etc. In the year 2001 her wages were Rs. 80/- per day. She was receiving wages along with other regular employees every month. That on 16-9-91 the Respondent Management paid Rs. 3186/- towards wage arrears for the period 5-2-86 to 31-7-91 and obtained endorsement of the Petitioner. Without regularizing her services she was continued in minimum wages for 13 long years.

3. It is submitted that she along with another employee who was also similarly placed made several oral requests to the Respondent to regularize their services and to pay salaries on par with regular employees. However, the Respondent put a deaf ear to their requests. Finally when the then communication Minister Hon'ble Sri Ram Vilaas Paswan paid a visit to inaugurate a telephone exchange at Madhapur, Hyderabad, they had put forth their grievances and requested him for regularization of their services. He directed the Management to consider

their grievances and regularize their services and pay salary on par with regular employees. Aggrieved by the request made by the Petitioner to the Hon'ble Minister the Respondent had started harassing the Petitioner and finally on 1st November, 2001 he asked the Petitioner not to attend the Respondent Company without assigning any reason or written order or without following the provisions of law.

4. That the Petitioner has put in 11 years of unblemished service and she was orally-terminated on 1.11.2001 without following the provisions of law. That inspite of persuasion of Conciliation Officer the Respondent Management did not agree to provide employment to the Petitioner and since the Petitioner and the Respondent has divergent views, hence, the conciliation proceedings ended in failure, hence, the reference. She is out of employment and there is no source of livelihood. That the provisions of Sec. 25 F were simply brushed aside. Hence, the termination is void ab initio. That the sort of engagement for short spell is adopted only with an intention to mask the real nature of work and to avoid regularization. This is not in tune with the Directive Principles of the State Policy and various decisions of Hon'ble Supreme Court. That the Respondent has established the master and servant relationship by virtue of paying the wage arrears for the period from 5-2-86 to 31-7-91. Hence, she may be directed to be reinstated with full back wages, continuity of service with consequential regularization together with all other attendant and consequential benefits and to pay on par with regular employees.

5. A counter was filed stating that it becomes necessary or the Respondent office to engage contingent/casual labour due to absenteeism and ban on filling up of Group 'D' posts and the said contingent/casual labour engaged on daily wages and their continuance and otherwise is dependent on the availability of work and the engagement for more than 240 days does not confer any right on them for continuity and regularization as they are not engaged against any specific post, the provisions of I.D. Act including Sec. 25 F have no application as per the settled law. That the engagement of the Petitioner from 1988 as claimed by her could not be verified as per retention schedules stipulated in Appendix to P&T FHB Vol. III. That the Petitioner as such was not given any specific appointment order and her engagement if any was intermittent depending upon the availability of work. That the certificates relied upon by the Petitioner are not relevant as they are not issued by the competent authority apart from being vague as they are not supported by any appointment orders. The Petitioner is put to strict proof in this regard. That she was engaged on contingent basis intermittently in absence of regular Group 'D' staff for sweeping, cleaning dusting and to supply water to the staff and officers during the summer season. There was no harassment. The question of termination does not arise. Hence, the petition may be dismissed.

6. The Petitioner examined herself as WW1 and deposed that she was doing the attender job and sweeping, garden work, giving water getting tea etc. She was working from 7 AM and used to stay upto 6.30 PM or 7 PM. That is a six day week only Sunday was holiday on which days also sometimes she used to attend the office depending on the exigencies of the work also. Ex. W1 is the wage slip for the month of March, 1991. She was paid Rs.735/- on 1st April, 1991. She was paid wage arrears from 5-2-86 to 31-7-91 on 16-9-91 Rs.3186/- vide Ex. W2. Ex. W3 dated 22-7-93 shows that during 1990 she worked for 246 days, during 1991-240 days, during 1992-151 days, from 1-1-93 to 30-6-93-126 days. On 1.7.2000 vide Ex. W4 she gave representation for regularization. Her representation was forwarded by AGM on 26-7-2000 vide Ex. W5 together with that of Smt E. Narasamma stating that they have completed 240 days. Ex. W6 was written where the Assistant General Manager has requested the Principal General Manager, Telecom to furnish the sanctioned strength and vacancies for conversion of part time casual labourers working into full time casual labourers. In reply to Ex. W6, Ex. W7 was sent on 19-4-2001 by Assistant Director General (Personnel IV) stating that there is a ban on engagement. That several casual labourers who has put in 2 years to 8 years service were regularized and their past services rendered as labourers were also competent vide Ex. W12. She was scolded as she approached the Hon'ble Minister and he wrote Ex. W11. They scolded as to why she approached the Ministers and asked her not to come. Ex. W13 is the photo showing her with the Minister. Ex. W14 is the letter written by her to the Hon'ble Minister Sri Ram Vilas Paswan. Ex. W15 is the Xerox copy of Wartha newspaper dated 26-2-2001 showing that they have met the Minister Again she wrote a letter Ex. W16 to Sri Ram Vilas Paswan for regularisation on 25-2-2001. That she may be reinstated in permanent Grop 'D service'. She was not given any notice or pay in lieu thereof.

7. In the cross examination she deposed that she joined in the Department in 1988 at the behest of her cousin. She has not given any appointment order. She was paid in ACG-17. She do not remember the month in which she joined. She was paid on ACG from April, 1990, she used to sign in the rills of the casual labour for whom payment used to be made. All the exhibits submitted by her were given by Sri Yadagiri, AD(Admn). Some casual labourers were regularized in 1992. She did not represent in 1992. She represented in 1993 and 1994. She denied that she was engaged in summer months and as and when work is available and that too for few hours and never worked for 240 days continuously in any year. She was sweeping only one floor at Triveni Complex. There were other sweepers for other floors. She denied that she approached the Minister on her own accord. She is 27 years old now. She denied that there is no violation of Sec. 25F.

8. The Respondent examined Sri M. Yadagiri, Assistant Director (Admin) in the office of Chief General Manager Telecom, A.P., Hyderabad as MW1 who deposed that the petition is misconceived. That she was being engaged as a contingent labour now and then. The engagement at all times was on day to day basis and the said engagement ceased after completion of work. The engagement was intermittently for a period exceeding 240 days is not relevant. There is no retrenchment within the meaning of Sec. 2(o) (o) of I.D. Act. Hence, the ID may be dismissed.

9. In the cross examination he deposed that he knows the Petitioner since 1988. The Petitioner's daily wages were paid once in a fortnight or once in a month. It is not mentioned in the appointment order any specific period. He cannot ask or deny whether she worked continuously for 240 days in each year from 1998 to 2001. She made a representation vide Ex. W4 on 11.7.2000 for regularization. He forwarded the same vide Ex. W5. The AGM has requested DGM vide Ex. W6 to furnish the sanctioned strength and vacancies for conversion of part time casual labourers into full time casual labourers. He denied that the Petitioner has worked continuously for 240 days every year. He is not aware whether casual labourers who worked only 2 to 8 years standing were regularized. He had not attended the meeting when the Hon'ble Minister came. But he heard that the Petitioner met him. That no notice of pay in lieu thereof to the Petitioner was paid. The witness added that no notice of pay is necessary for daily wage. He denied that she was victimized as she met the Union Minister.

10. It is argued by the Learned Counsel for the Petitioner that the Petitioner was working as sweeper from the year 1988. Ex. W3 shows that the petitioner worked during the year 1990 for 246 days, during 1991 for 240 days, during 1992 for 251 days and during 1993 for 126 days and not only that Ex. W5 was addressed by Assistant General Manager. The representation of the Petitioner (& also Smt. Narasamma) to verify the records and furnish the particulars of service rendered by the above Petitioners in a detailed report. Similarly, Ex. W6 is also one such. Ex. W7 attention of all is drawn to the fact that there is complete ban on engagement of casual labour w.e.f. 22-6-1988. Ex. W8 is reference to a letter of all those left out cases of casual labourers. Ex. W9 is also a correspondence. Ex. W10 shows that Vijay Laxmi has made a representation to the Hon'ble Minister. Ex. W11 is a letter of the Hon'ble Minister of State for Urban Development and Poverty Elevation, Government of India, New Delhi recommending the case of Vijaya Laxmi. So actually the fact is that in view of her representation to the Hon'ble Minister for Communications Sri Ram Vilas Paswan and Hon'ble Minister Sri Bandaru Dattatreya which is evident vide Ex. W13 that this action has been taken and although having worked from 1988 completely deprived from service for a

mere fact that she made a representation to the Hon'ble Ministers. He further argues that Ex. W2 is the wage arrears from 5-2-86 to 31-7-91 on 16-9-91 she was paid Rs.3,186/-. In Ex. W4 wherein it shows that she has been working regularly, the same is dated 11-7-2000 and if it was not true why should Ex. W5 letter be addressed by the Department enclosing Ex. W4. So that itself shows that she has been working even on the date 11-7-2000. That Ex. W9 is the list of left out cases. The Hon'ble Minister Sri B. Dattatreya has also written vide Ex. W11. Ex. W13 also shows her making a representation to the Hon'ble Ministers. That it is clear that having made representation to the Ministers she incurred the displeasures of the officers and was ultimately asked not to come from 1-11-2001.

11. That MW1 who is no other than Assistant Director, Administration said that they were engaged as contingent labour. That he also agreed that difference of wages were paid from 1986 to 1991 as per Ex. W2. That she was never retrenched on 1-11-2001. That her engagement for a period exceeding 240 days is not relevant and that in the cross examination he agreed that the Petitioner was paid once in a fortnight or once in a month. It is not mentioned in the appointment order any specific period. He said that he cannot assert or deny that she worked continuously for 240 days in each year. That she made representation Ex. W4. So the Learned Counsel for the Petitioner submits that it is proved that it's a fit case for directing reinstatement. So the Counsel submits that the Petitioner may be reinstated with full back wage, continuity of service etc.

12. It is argued by the Learned Counsel for the Respondent that the Petitioner was engaged on daily wages basis intermittently due to absenteeism and ban on filling up of regular posts. There is no evidence beside Ex. W2 which shows her engagement upto 1993. Although she claims to have worked upto 1-11-2001. Her engagement never been lasted for more than 240 days at a stretch. The Petitioner claims that she was engaged since 1988 at the same time claimed that she was paid wages from 1986 to 1991. It was as per policy and has no bearing on the claim. The Petitioner was neither terminated nor retrenched. Hence, there is no question of regularization of the Petitioner and there is no proof of engagement beyond 1993 and he relied on various Judgements. He therefore, prays that she is not entitled for any relief.

13. It may be seen that from Ex. W3 it is very clear that she has worked during 1990 for 246 days, during 1991 for 240 days, during 1992 for 251 days and during 1993 for 126 days during the first half of the year, i.e., from 1-1-93 to 30-6-1993 for 126 days. Of course, she is unable to produce the record because the record must be available with the Respondent. If she really has not worked beyond 1993 that

she has been asserting even vide Ex. W11 on 16-2-2001 that she has been working for the last 10 years. She has met the Ministers and made a representation. Then the Management should have at the outright denied her claim that she is working and should have made it clear if not to the Ministers which is against the decorum, they should have at least informed the Petitioner that she has not worked from June, 1993 as such she is not entitled for any relief at all. They have not chosen to do so. Even MW1 is unable to assert or deny whether she worked for 240 days in each year from 1988 to 2001. He agrees that she made a representation Ex. W4 dated 11-7-2000 for regularisation and that her representation has been forwarded to AGM, so taken up, in the cross examination turned round and says that she worked only from 1993. Whether it is a casual employment or a temporary employment, it is clearly established that she has been working since 1988 or rather 1986 as per MW1's own statement till 2001 that simply one cannot be asked orally not to come. Putting two plus two it is very clear that she has been asked not to come in view of her vigorously campaigning her own cause by meeting the Ministers, getting it published in newspapers they smelt that she may cause trouble to them in future and hence her services were dispensed with. Of course, according to the claim statement she has been working as a sweeper. Therefore, I answer the reference as follows : The action of the Management of Bharat Sanchar Nigam Ltd., Hyderabad in not providing employment to Smt. P. Vijayalakshmi, ex-casual labour with effect from November, 2001 is not justified and the Respondent is directed to employ her as casual labour within 30 days from the publication of this Award. However, she is not entitled for any back wages. The Respondent is directed to consider her giving temporary status and in future even regularization if she fits in all the conditions but her age shall be taken as in the year 1988 because she claims to have been working from 1988. If the Petitioner is not taken into service within 30 days from the publication of this Award, she will be entitled to receive the last wages drawn after 30 days of the publication of this Award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 12th day of January, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :

WW1: Smt. P. Vijaya Lakshmi

Witnesses examined for the Respondent:

MW 1: Sri M. Yadagiri

Documents marked for the Petitioner

- Ex. W1: Copy of wage slip for the month of March, 1991
- Ex. W2: Copy of wage arrears slip
- Ex. W3: Copy of certificate Lr. No. TA/O & M/27-2/92-93 dt. 22-7-93
- Ex. W4: Copy of WW1's representation dt. 11-7-2000
- Ex. W5: Copy of Lr. No. TA/STB/20-2/Corr/KW 99 dt. 26-7-2000
- Ex. W7: Copy of Lr. No. 269-94/98-STN-II/Pers.IV dt. 19-4-2001
- Ex. W8: Copy of Lr. No. TA/STB/9-1/Rlg/KW dt. 26-4-2001
- Ex. W9: Copy of Lr. No. TA/STB/20-2/Genl/2001/ dt. 19-20-6-2001
- Ex. W10: Copy of Lr. annexed with representation to Minister Lr. No. 216-38/2001 -Pers-II-BSN dt. 16-2-2001
- Ex. W11: Copy of letter by Hon'ble Minister Sri B. Dattatreya dt. 16-2-2001
- Ex. W12: Copy of Lr. No. 269-33/2002-P-IV dt. 29-5-2002
- Ex. W13: Photo of WW1 with the Hon'ble Union Minister
- Ex. W14: Copy of representation of WW1 to Hon'ble Minister Sri Ram Vilaas Paswan
- Ex. W15: Copy of 'Wartha' newspaper cutting dt. 26-2-2001
- Ex. W16: Copy of representation of WW1 to Hon'ble Minister Sri Ram Vilaas Paswan dt. 25-2-2001.

Documents marked for the Respondent

- Ex. M1: Copy of DGP & T Lr. No. 270/6/84-STN New Delhi dt. 30-3-1985
- Ex. M2: Copy of Office Memo No. 49014/2/86-Estt(C) dt. 7-6-88
- Ex. M3:
- Ex. M4: Copy of Office Memo No. 269-4/93-STN-II(Pt) dt. 12-2-99
- Ex. M5: Copy of Appendix-5 reg. destruction of accounts, records etc.
- नई दिल्ली, 29 जनवरी, 2004

का.आ. 427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारत संचार निगम लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 168/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-2004 को प्राप्त हुआ था।

[सं. एल-40012/56/2001-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 427.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 168/2002) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BSNL and their workman, which was received by the Central Government on 29-01-2004.

[No. L-40012/56/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Shri E. Ismail, B. Sc., LL. B.,

Presiding Officer

Dated 22nd day of December, 2003

INDUSTRIAL DISPUTE NO. 168/2002

(Old I. D. No. 49/2001 transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

Sri Y. Yellapa

S/o Y. Appa Rao,

D. No. 2-27-16, Sree Ramnagar,

Anakapalle, Visakhapatnam-1

....Petitioner

AND

1. The General Manager,

Bharat Sanchar Nigam Ltd.,

Telecom District,

Daba Gardens,

Visakhapatnam-530020.

2. The Divisional Engineer,

Coaxial Maintenance,

Bharat Sanchar Nigam Ltd.,

Visakhapatnam-530001.

....Respondents

Appearances :

For the Petitioner : Sri K Bala Krishna, Advocate

For the Respondent : Smt D. Venkata Laxmi, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-40012/56/2001-IR (DU) dated 15-5-2001 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Bharat Sanchar Nigam Ltd., and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C. II) dated 18-10-2001 bearing No. 49/2001. The reference is,

SCHEDULE

"Whether the allegation made by Sri Y. Yellapa, Part time sweeper that his services have illegally terminated by the General Manager, Telecom District, Bharat Sanchar Nigam Ltd., Visakhapatnam and Divisional Engineers, Coaxial Maintenance, Bharat Sanchar Nigam, Ltd., Visakhapatnam w.e.f. 1-7-97 after he rendered service from 1-7-84 is and justified? If not, what relief the workman is entitled?"

The reference is renumbered in this Tribunal as I.D. No. 168/2002 and notices were issued to the parties.

2. After the receipt of the reference and the notices the Petitioner filed claim statement with the following averments: That he was employed as casual mazdoor in the office of the Sub-Divisional Officer, Telecom under cover of his letter No.E.53/8688 w.e.f. 1-7-84 and to work on holidays, leave vacancies and part time duty. Though he hails from Relli community the only caste exclusive for attending sanitation jobs. Even though he was employed as casual mazdoor or part time employee his services were utilized in the office being a qualified person. He had performed part time duties two hours a day at the office of A.E., Coaxial, "Anakapalli and still continuing in the office of Sub-Divisional Officer, Telecom and whenever vacancies existed.

3. Since the year 1997 the authorities are verbally utilizing his services and payment made without taking his signature on requisite stamp and stopped entering his name. Juniors converted into full time mazdoors. Grave injustice was caused to him. The authorities incorporating fictitious names in the seniority of full time mazdoors even though he was physically attended the jobs. Consequent to the Hon'ble Supreme Court's Judgement, the stipulation that a full time casual employee have rendered 240 days of service for two years has been revised as one year for regularization and in respect of part time workers, it has been reduced to two years instead of four years. When

the question of integrating the seniority with the seniority of full time casual labour arises, the Telecom Department has prescribed time and again the qualification and the service rendered by part time worker will be converted into full time services at the rate of 2 days of part time service as equal to 1 day of full time service. The verbal termination is calculated to deprive the employee to absorb in the regular establishment after having rendered more than 15½ years long service as full time and part time worker without any break and holidays whatsoever. In other words he had rendered more than 240 days of service regularly and according to the turn in the seniority list of casual mazdoors. Pending absorption in the regular staff, the Petitioner is entitled to grant of temporary status. Verbal termination of the aggrieved employee's service is arbitrary and his juniors are converted as full time casual employees and paid accordingly.

4. While the aggrieved employee working hours have been arbitrarily and capriciously reduced to 2 hours a day with consequential reduction in his wage and ultimate verbal termination. Verbal continuation and payment without taking signature on requisite revenue stamp besides not entered his name in muster roll reveals the indifferent attitude in discharge of the Respondent. That when one of her colleagues Smt. Kanthamma approached the Hon'ble Central Administrative Tribunal under O.A. No. 127/96. The authorities have requested her to withdraw on 27-1-1997 and continuing her services- He never found wanted in any occasion by the Department from 1-7-84 to 6-7-2000. Hence, he may be reinstated with back wages etc.

5. A counter was filed. That the Petitioner was permitted to do part time scavenger duty per one hour a day on the representation received by the then part time Scavenger Sri Y. Appa Rao, who is the father of the workman vide letter No.E2/CXL/ANK/92-93 dated 1-10-92 in the office of A. E. Coaxial, Anakapalli. That other allegations are invented for the purpose of this case. That he worked at the office of A.E., Coaxial from October, 92 to December, 1994 two hours per day and from July, 1995 at the office of A.E. Coaxial at one hour per day but not in the office of SDO, Telecom. The other allegations are denied. It is submitted that only those persons who worked as part time workers prior to 30-3-85, it is considered as a one time consideration for absorbing the mazdoors as per the Department of Telecommunications, New Delhi orders 69-10/89/STN, dated 14-8-98 who worked prior to 1985 and the Petitioner never worked prior to 1985 and hence, the claim of the Petitioner may not be considered. Hence, he is not entitled for any relief.

6. The Petitioner examined himself as WW1 and deposed that he rendered service with the Respondent from 1-7-84 as casual mazdoor on wages of Rs.500/- at the

time of termination i.e., 6-7-2000 he was drawing Rs.500/-. That he filed the original proceedings of the Management letter No. E-53/86/88 which may be received as Ex. W1. That he worked uninterruptedly till 30th September, 1992 for more than 240 days in a year and 8 hours per day. Thereafter he was disengaged and unfortunately on application he was given engagement as part time scavenger from 1-10-92 and orders to that effect filed as Ex. W2. That he was paid wages against the vouchers till the end of July, 1997 and thereafter no record was maintained. But unfortunately, he was continued in service while payments were made against the written vouchers maintained by the Department. Even otherwise dispensed with effect from 6-7-2000 and on which day he was terminated from service. Copy made available by the Conciliation Commissioner is Ex. W3. Thereafter about 770 vacancies in the Andhra circle and even in that score he should have absorbed. Further, he is a member of the Scheduled Caste and his community certificate is Ex. W4. The termination of service is unceremonious. The Management falsely takes the stand that he never worked. Hence, he may be directed to be reinstated with all the benefits. In the cross examination he denied that Ex. W1 is a fake document and nor issued by the Department. It is not true to suggest that the vigilance Department of the Respondent found out that Ex. W1 is fake and there is no file bearing letter No. E-53/86-88 dt. ANK-1. It is not true to suggest that he denied that he was appointed as part time scavenger in place of Sri Y. Appa Rao on representation as per Ex. W2. He denied that he worked only from 1-10-92 to December, 94 and 1-1-95 to July, 95 and not upto 2000 as scavenger. It is not true to suggest that Smt Shantamma was absorbed as regular employee since she complied with the terms and condition as per the circular dated 14-8-98. He denied that as he does not come under the circular for regularization he was not regularized. He admitted that in Ex. W4 his name is over-written and his date of birth was also overwritten. He denied that he never worked from 1984 and he filed Ex. W1 to depose falsely.

7. WW2 is no other than the younger brother of the Petitioner by name Sri Y. Srinivasa Rao, who deposed that WW1 has worked as a scavenger from 1992 to 2000. He has been working from 7-7-92. He is doing the work which was earlier done by his brother after his dismissal. He identifies the A.E., by name Sri H. Krishna Rao present in the court hall who is Incharge of Anakapalli Department. That he knows Y. Appa Rao who is their father and he was removed as mentally handicapped and he brother was appointed on compassionate grounds. WW2 was working even before 1992 in leave vacancies.

8. In the cross-examination he deposed that he cannot say whether there is a contractor to engage him but witness adds his wages are paid by A.E., monthly. He

does not have any document to show that he was engaged by Respondent and that Department is paying his salary. He denied that he is working under a contractor. He denied that his brother did not work prior to 1992.

9. Sri D. Kameswara Rao, S.D.E., deposed that he has gone through Ex. W1 which was never issued by the Department. The Petitioner produced Ex. W1 before Assistant Labour Commissioner(C), Visakhapatnam, Vijayawada, D.E., Director along with G.M., Visakhapatnam were made parties. The report of the Vigilance Department dated 30-10-2000 is Ex. M1. It says that Ex. W1 is fake and no such file is ever maintained. It is also mentioned in Ex. M1 that no recruitment orders will be given for the back period. Appointment orders would be given prospectively. WW1 was appointed in place of Appa Rao on 1-10-92 as scavenger for one hour daily. He worked upto December, 1994 later on two hours a day from 1-1-95 to July, 1995. Smt. Kantamma's case was different as she fulfilled the norms and guidelines vide Ex. M2 and M3 and further the Petitioner never worked earlier to 1992. Earlier to those who have completed 240 days in a year for three consecutive years are considered for absorption as per Ex. M2 and M3.

10. In the cross-examination he deposed that he has not accompanied the D.E. in the alleged enquiry about Ex. W1. Copy of instructions dated 14-8-98 is filed along with counter, it is Ex. M4. As per Ex. M7 casual workers who are working for less than 4 hours were converted into full time casual labourers.

11. MW2 was examined who is working as S.D.E., Anakapalli since 1994. That prior to 1987 they used to engage casual labour. There is a bank from 1987 and they were giving it to contractors. He depied that WW2 and prior to him WW1 worked under him. In the cross-examination he deposed that one Appa Rao worked prior to 1987. WW1 was permitted to work in place of Appa Rao from October, 1992. He worked continuously till July, 1995. He does not know whether license is mandatory to the contractor for the contract. He knows that WW1 is the son of Appa Rao. WW 1 is appointed in place of his father. It is not correct that after WW1 his brother, another son of Appa Rao was appointed by them. According to the circulars those workers appointed before 30-3-85 will be considered for conversion into full time. It is correct that in his file there is a letter from S.D.E. dated 14-8-2000 that Yellayya was working under for one to two hours per day from June, 1995 to July, 95 but it has come to light that he was appointed as casual labour in telephone exchange since 1-1-89 and hence, he was disallowed to work of cleaning on part time basis and he was disallowed the work of cleaning from 1-8-95 and work is being executed through contractor.

12. It is argued by the Learned Counsel for the Petitioner that the Petitioner has been working from 1984 and he relied on 2001 (89) FLR page 929 Delhi High Court Judgement wherein it was held that, "part time sweeper engaged on daily wages -would be a workman. He submits that even if it is admitted for argument sake that he was not appointed in 1984 and that he was working from 1-10-92 only according to them vide Ex.W2, it is seen that he was appointed at least from 1-10-92 which is admitted by MW1 that "WW1 was appointed in place of Appa Rao on 1-10-92 as scavenger for one hour daily. He worked upto December, 1994 and later on two hours a day from 1-1-95 to July, 1995". That means he worked atleast continuously from 1-10-92 to July, 95 even according to the Respondent. Therefore, the provisions of Sec. 25F have not been followed and therefore, he may be reinstated with back wages.

13. It is argued by the Learned Counsel for the Respondent that the Petitioner have not worked from 1984 is proved wrong because MW1 has categorically stated that Ex.W1 has been proved to be bogus. Therefore, he worked only from 1.10.92. But this man worked only upto July, 1995 that too one hour daily. That he has deposed that he never worked before 1992 whereas the case of the Petitioner. That he was terminated on 6-7-2000 is absolutely false. Hence, the Petitioner is not entitled for any relief.

14. It may be seen that as per the Delhi High Court Judgement cited by the Learned Counsel for the Petitioner the part time sweeper engaged on daily wages is a workman as he has worked for more than a year, his services cannot be terminated without complying with mandatory provisions of Sec.25F of the I.D. Act. Hence, the termination is illegal. In the cross examination WW1 has admitted that it is correct that he was appointed on 1-10-92 only as per Ex.W2. It may be seen that Sri Y. Srinivasa Rao, the Petitioner's younger brother is appointed from 7-7-2002 as he is doing the work on the dismissal of his brother. Whether through a contractor or otherwise. So someone has been accommodated in place of Appa Rao. Now, according to MW2 there is a ban and they are getting the work done through a contractor. Hence, this is a fit case where in spite of directing reinstatement and then perhaps the Respondent again complying with the Sec. 25F and dismissing the Petitioner and more so when his appointment is only proved from 1-10-92 and he has only worked for one year. Therefore, I am of the opinion that a reasonable compensation would meet the ends of justice. According to WW1 himself he was receiving Rs. 500 per month. Therefore, the ends of justice would be served if he is given a consolidated sum of Rs. 6000 towards consolidated compensation and further a

sum of Rs. 2000 towards cost of litigation in all Rs. 8000. It shall be paid to the Petitioner within 30 days from the publication of this award failing which he will be entitled to 12% interest p.a. on Rs. 8000 after 30 days of publication of this Award.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnessed examined for the Petitioner :	Witnessed examined for the Respondent :
WW1 : Sri Y. Tellappa	MW1 : Sri D. Kameshwar Rao

WW2 : Sri Y. Srinivasa Rao MW1 : Sri H. Krishna Rao

Documents marked for the Petitioner

Ex.W1 : Appointment order of WW1 No. E-53/86-88 dt: ANK-1

Ex.W2 : Copy of Ir. No. E2/CXL/ANK/1992-93 dt. 1-10-92

Ex.W3 : Copy of minutes of conciliation proceedings dt. 5-12-2000.

Ex.W4 : Copy of community, nativity and date of birth certificate of WW1.

Documents marked for the Respondent

Ex.M1 : Copy of Ir.Np.X-I/GMTD-VM/Vig/2000/50 dt. 30-10-2000 Vigilance report

Ex.M2 : Copy of Ir.No.269-94/98-STN-II dt. 29-9-2000

Ex.M3 : Copy of instructions No.269-13/99-STN.II dt. 16-9-99

Ex.M4 : Copy of instructions No.269-10/89-STN.II dt.14-8-98

Ex.M5 : Copy of list of casual mazdoors to be regularised

Ex.M6 : Lt.No. GMTD-VM/LC/ALC(C)/YY-PTW/2000/12 dt.5-12-2000

Ex.M7 : Copy of instructions No.269-13/99-STN.II dt. 25-8-2000

Ex.M8 : Copy of Ir.No.TAV/EST/7-9/Col.II/91/12 dt.11-11-91

नई दिल्ली, 29 जनवरी, 2004

का.आ. 428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारत संचार निगम लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-142/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-40025/4/2004-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-142/2001) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in annexure in the industrial dispute between the employers in relation to the Management of BSNL and their workman, which was received by the Central Government on 29-1-2004.

[No. L-40025/4/2004-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT:

Shri E Ismail, B. Sc., L.L.B., Presiding officer

Dated the 8th day of December, 2003

INDUSTRIAL DISPUTE L.C.I.D. No. 142/2001

BETWEEN:

Sri G. Babu,
S/o G. Uppalaiah,
C/o H. No. 2-350/1,
Bheemaram Village,
Hasanparthy (M), Warangal(D). :Petitioner

AND

The General Manager,
The Bharat Sanchar Nigam Ltd.,
Telecom District, Warangal,
Hanamkonda,
District Warangal-506 011. :Respondent

APPEARANCES:

For the Petitioner : M/s. G. Shyam Sundar
Rao & V. Srinivas Rao,
Advocates
For the Respondent : Sri R.S. Murthy,
Advocate

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are : That the Petitioner worked as N.M.R. daily wage in Respondent's establishment during the period from 1-9-1981 to 31-5-1984 without any break under the control of Supervisor G. Mosha and J.E. Diwakar, who are under Control of the Respondent Department and during the said Period the Petitioner was also assigned to erect the poles and its lines of telephones at the area of Arepally, Thimmapuram, Sangem, Bhoopalpally and also at Parkal of Warangal District. Apart from the said duties the Petitioner was also assigned under the control of Respondent several duties as and when required under the control of Respondent telephone Department during the said period. Several people who were juniors to him were made permanent. He was made orally terminated from 1-6-1984, for which he made several representations to the Respondent Department but to no avail. The Petitioner therefore got a legal notice issued through his counsel Sri G. Shyam Sunder Rao, on 13-8-2001 but no response is given. The very termination of the services on 1-6-1984 is void ab initio and therefore he may be taken into service back with all benefits.

3. A counter affidavit was filed challenging the jurisdiction of the Court under Sec. 2 A(2). That the Petitioner worked purely on temporary basis to cope up with urgent exigencies of work which could not be postponed and are not capable of being completed with regular sanctioned strength. That he is on the assertion that he worked from 1-9-81 to 31-5-84 and the records of the said period have been weeded out by efflux of time as per retention schedules stipulate in Appendix to P&T Financial Handbook Vol. III. That they are not engaging casual labour. The mere completion of one year service on intermittent works would not confer any right for reinstatement and termination of the casual labour on expiry of the period of the said engagement will not attract the purview of the I.D. Act. He has filed this petition after a lapse of 18 years. Sec. 25F. of the I.D. Act is not applicable. Hence, the petition may be dismissed.

4. The Petitioner examined himself as WW1 and deposed that he worked from 1-1-81 to 31-5-84 continuously on daily wages on Rs. 6.25 ps. wages. That his supervisors were G. Masha and Junior Engineer Diwakar. He made several representations but to no avail and got issued Ex. W1 notice. Ex. W2 is the copy of the Acknowledgement. Ex. W3 is the diary upto 31-3-1984. He worked for more than 260 days in a year. Hence, he may be reinstated with back wages. In the cross examination he

deposed that he only gave oral representations and did not give any written representation.

5. Sri V. Sahodar deposed as WW2. He said that he also worked from 1-9-81 to 1984 and along with WW1. He was also terminated orally in 1984. In the cross examination he deposed that he cannot give the exact date of WW1 worked from which year. He denied that he is deposing falsely.

6. The Management examined Sri. K. Venkateswarlu, Divisional Engineer (Rural) as MW1. He said that the record is destroyed. That the Petitioner has never worked for 240 days. He was engaged as daily wagers intermittently and was disengaged on completion of work. That he did not claim any relief after June, 1994. There is no record of any representation of the Petitioner for providing employment. The dispute was raised after 19 years. In the cross examination he deposed that it is not true to suggest that he was not engaged at all. That no notice or pay in lieu thereof was given. That he did not represented after 1985. That they received a legal notice.

7. It is argued by the Learned Counsel for the Petitioner that he worked from 1-9-81 to 31-5-1984 continuously and he was orally terminated on 1-6-84 although he has worked for more than 240 days every year. He was not given any notice. Sec. 25F was not followed. That the Petitioner could not approach due to poverty and ignorance. He got issued a notice which is Ex. W1. That the Petitioner established by examining himself as WW1 and another witness as WW2. That he worked for 240 days. He also relied on the following Judgements. He relied on Mohanlal Vs. Bharat Electricals Ltd., in AIR 1981 S.C. page 1253 wherein it was held that, "If the retrenchment is ab-initio void, a declaration that the employee continuous to be in service with all consequential benefits will follow". In 1998 (4) ALC Secunderabad Club Vs. Addl. Industrial Tribunal wherein it was held that "Termination of employee who worked more than 240 days more than 11 months, without issuing notice or paying one month's salary in lieu of notice, is illegal". He also relied on 2000 (2) An. W.R. 17 Hon'ble High Court of A.P. wherein the workman joined the services of the Respondent on 30-4-77 and was terminated on 21-5-79. I.D. 385/90 was raised by him. Hence, delay is not fatal. He also relied on 1997 ALD 665 Double Bench wherein their Lordships held that, "termination of services of workman (Petitioner) by respondent—corporation—Petitioner preferred industrial dispute—rejected by 1st Respondent—Tribunal on the ground of abnormal and inordinate delay—Award challenged—Limitation Act, 1963 not applicable to proceedings under the I.D. Act—Fight not between equals—adjudication cannot be denied on technical grounds of delay—Impugned award set aside—Tribunal to proceed and determine the I.D. on merits—Writ Petition allowed". Hence, he prays that the Petitioner may be reinstated with back wages and continuity of service.

8. It is argued by the Learned Counsel for the Respondent that mere completion of one year service on intermittent terms would not confer for reinstatement Casual mazdoor on expiry of the said engagement will not attract the involvement of the I.D. Act. The daily wager in absence of his sanctioned post could not make any claim for permanent employment as held in Balwinder Singh Vs. State of H.P. 1999 (IILLJ) 1116. The above views were approved by Hon'ble Division Bench of Madras High Court in WA No. 600/96. That he has approached the Court after a lapse of 18 years and the Respondent cannot be expected to keep the muster rolls for 18 years. They were destroyed as per the rules. Hence, the petition may be dismissed.

9. It may be seen that no doubt, the Petitioner has filed Ex. W3 daily attendance book which shows that he worked for several days in a month from 1981 to 1984 and perhaps even completed 240 days in a year. Be that may be so. He approached this court after a gap of 17 years. No doubt, the Hon'ble High Court of A.P. has held in 2000(2) An. W.R. page 17, where the workman worked from 1977 to 1979 and he approached the court in 1990, it was held that it cannot be denied on the mere ground of delay. It may be seen that here the delay is 17 years and more over it is clear from the pleadings itself that the Petitioner was working as a daily wage worker of specified works. Hence, I am afraid, with all respects to the above Judgement it will not apply to the facts of this case. Hence, the Respondent is directed that in future if they engage any casual labour or daily wage worker the Petitioner may be given preference taking his date of initial working as 1-10-81 and taking his age as on 1-10-81., except this direction the Petitioner is not entitled for back wages, continuity of service or any other relief.

Award passed accordingly, Transmit.

Dictated to Kum. K. Phani Gowari, Personal Assistant transcribed by her corrected and pronounced by me on this the 8th day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1 : Sri G. Babu	MW1: Sri K. Venkateswarlu
WW2 : Sri V. Sahodar	

Documents marked for the Petitioner

Ex W1: Copy of legal notice dt. 13-8-2001
Ex W2: Copy of acknowledgement of Ex. W2
Ex W3: Day Attendance Book during October, 81 to 31-3-84

Documents marked for the Respondent

Ex M1: Copy of retention schedules in P&T FHB Vol. III
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Ex M2: Copy of letter DGP&T No. 270-6-84-STN,
dt. 30-3-85

Ex M3: Copy of letter DGP&T No. 270-6-84-STN,
dt. 22-6-88

Ex M4: Copy of letter No. 369-4-93 STN-II, (PT)
dt. 12-2-99.

नई दिल्ली, 29 जनवरी, 2004

का.आ. 429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-63/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-40025/5/2004-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th January, 2004

S.O. 429.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-63/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the annexure in the industrial dispute between the employers in relation to the Management of Telecom Deptt. and their workman, which was received by the Central Government on 29-1-2004.

[No. L-40025/5/2004-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

SHRI E. ISMAIL, BSc., LL.B., Presiding Officer

Dated the 22nd day of December, 2003

INDUSTRIAL DISPUTE L.C.I.D. 63/2002

(Old I.D. No. 47/2001 Transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

Sri N. Ravi Kumar,
S/o Late Jagannadha Raju,
type III G-4,
Telecom Nagar,
Megadri Peta, Kancherapalem,
Visakhapatnam-8.

..... Petitioner

AND

1. The General Manager,
Telecom Department,
Dabagardens, Visakhapatnam.

2. The Sub-Divisional Engineer,
Telecom, M.V.P. Colony,
Visakhapatnam.

..... Respondent

APPEARANCES:

For the Petitioner : Sri M. Venkata Ramana,
Advocates

For the Respondent : Sri A.A. Swamy,
Advocate

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India. Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 47/2001 and renumbered in this Court as L.C.I.D. No. 63/2002 and notices were issued to the concerned parties.

2. The brief facts as mentioned in the petition are: That the Petitioner worked as casual mazdoor in the Office of Sub-Divisional Officer, Telecom Department, M.V.P. Colony, Visakhapatnam. He joined on 1-7-91 in the office of A.E. Electrical, Dabagardens, Visakhapatnam, and worked upto 24-6-91 and thereafter the workman was transferred to J.T.O., "F" section and till 1998 without any break and he was being paid salary of Rs. 1800/- per month. But he fell sick and could not attend to duty till 31-12-98. After recovered from illness he approached the Management with sick and fit certificate but the Management did not take him back.

3. He submitted that on 10-1-99 he sent a letter to the Management requesting to take him into service but the Management did not give him neither reply nor reinstated him into service. The termination of the workman is illegal, untenable and cannot be justified since the termination is in violation of statutory provisions of the ID Act.

4. It is submitted that along with workman some of the workers by name S/Sri M. Srinivas, I. Swamy, Rambabu and Satyanarayanamurthy have joined in the service and working continuously till today and their services were regularized and also they were paid 5th Wage Revision Commission benefits. The Management did not pay the same to the Petitioner. Hence, he may be directed to be reinstated back with continuity of service and direct the Management to pay 5th Wage Revision arrears.

5. A counter was filed stating that he has to prove that he has worked without break till 1998 and that he fell sick from 1-3-98 to 31-12-98. No such certificate was received by the office and Xerox copies of the said certificate do not show any date of issue also and hence not tenable under law. During the said period he never intimated to the Management. In fact he was absconded from duty from 16-2-98. He has absconded from duty for a period of 9 months and woke up after three years and filed this petition alleging that he was illegally terminated. It is true that other persons whom the Petitioner has mentioned are still working continuously and they have been paid benefits of 5th Pay Commission. That the Petitioner's name could not be included as he has absconded from duty. There was still chance for consideration till 26-8-98, instead he absconded unheard and approached the Hon'ble Tribunal, hence, it may be dismissed with costs.

6. The Petitioner examined himself as WW1 and deposed that he worked as casual mazdoor in the Management organization from 1-7-98 in the office A.E., (Elec) Dabagardens, Visakhapatnam and worked upto 24-6-91. Thereafter he was transferred to J.T.O., F-Section, M.V.P. Colony, Visakhapatnam and worked there continuously without break till February, 1998. His last salary drawn was Rs. 1800/-. Ex.W1 is the identity card issued by the Respondent. Ex.W2 is the service certificate. Ex. W3 is the sick certificate issued by Dr. V.D. Naidu that he was sick from 1-3-98 to 31-12-98. Ex. W4 is the fitness certificate. That he reported for duty along with Ex. W3 and Ex. W4 with a letter Ex. W5. He gave it to Sri Venkateshw Rao, SDE. He asked him to go and he would reconsider. That other like S/Sri Rambabu, M. Srinivasa Rao, I. Swamy and G. Satyanarayana were made permanent. The 5th Pay Commission is effect from 1-1-86 and he was working then. He was not given the said payment. He has to receive the same. All others were paid. He discharged his duties without any remarks. He was not paid any compensation and Respondent discharged him. Ex.W6 is the muster roll certificate. From August, 1992 to February, 1993 that he worked on every day of these months that is 212 days. Ex.W8 shows that from 1-6-91 to 24-6-91 he worked for all the 24 days. The Management has got the record of his muster rolls. Ex.W9 is the supplement of Visakhapatnam of Eenadu dated 2-7-2002 where Respondent made a statement that there are still vacancies. In the cross examination he deposed that he had no written proof that he informed about the sickness to the Assistant Engineer. He worked till 16-2-98 only. It is not true to say that Ex. W5 was not shown to Management. He denied that he himself absconded from 16-2-98. He denied that Ex. W3 to W5 were created by him to suit his case. No dates are mentioned as Ex.W4 and Ex.W5 as to when they were issued by Dr. Naidu.

7. Sri Rama Raju, deposed as WW2 who is a regular mazdoor in the underground cable, faults and line

works since 4 years deposed that he joined the Department in 1998. He knows the workman. He fell sick in January, 1996. Again he fell sick in 1998 that he and workman gave representation to the Management on 10-8-98 which is Ex.W5. The Management after receiving the said letter stated that they will look into the matter. In the cross examination he denied that the whereabouts of the workman were not known from 16-2-98 and he is deposing falsely. That he accompanied WW1 and then gave Ex. W5. It is not true that he is deposing falsely.

8. Dr. Sri B.D. Naidu deposed as WW3. He identified the Petitioner and deposed that he treated him from back pain from 1-3-98 to 31-12-98 and issued Ex. W3 sick certificate. He also issued Ex. W4 fitness certificate. The Petitioner's ailment is discoloration with sciatica. He denied that he issued falsely Ex. W3 and W4 to help WW1 and he never suffered from sickness.

9. Sir U. Ramakrishna, SDE(Legal), examined himself as MW1. He deposed that WW1 worked in the Department from 1991 to February, 1998 with breaks depending on the availability of work. That he has filed annexure dated 28-6-2000 issued by CGM, Hyderabad granting temporary status to casual labourers who have completed 240 days as on 1-1-98. That they have asked all SDOs about such casual employees who have completed 240 days. On 12-3-98 details were furnished for SDE, Visakhapatnam where Petitioner's name is shown at serial No. 5 and in remarks it is written that he is absent from one month hence service could not be obtained. Besides the Petitioner, all the four persons have submitted their service records. That they have not received Ex. W5 said to have been written by WW1. As WW1 absconded and his service record could not be obtained, no action can be taken against him. At present there is no policy to appoint casual labour as full time employees. He has not submitted medical certificate nor represented himself or through the union. Hence, the petition is not maintainable.

10. In the cross examination he deposed that it is true that in the Management's counter it is mentioned that the workman worked continuously from 1991 to 1998 without any break. It is true that in 1998 no notice was issued asking the workman to submit days book. It is true that remaining four workmen are still working and they have been regularized. That they have not issued any notice for his absenteeism as he is a casual employee and no enquiry was also conducted. No notice was given or no pay was paid in lieu thereof. He does not know whether any circular for employing part time workers who work less than 4 hours as full time workers.

11. It is argued by the Learned Counsel for the Petitioner that he worked from 1-6-91 till February, 1998 that he could not work from 1-3-98 to 31-12-98. After recovery he went with medical certificate. Management did not reinstate him. They did not pay him 5th Pay

Commissioner benefits from 1995 to the workman. That the Management agreed that the workman worked continuously from the date of joining till February, 1998. That WW1 is not cross examined on the question of reinstatement. The prayer for reinstatement with back wages, continuity of service and direction to pay 5th Pay Revision Commission benefits which shows that the Management has no objection to reinstate the workman. That the Management itself mentioned in the counter that the workman worked continuously from 1991 to February, 1998. In the cross examination MW1 admitted that the day books are in the custody of J.T.O. and S.D.O., therefore, asking the workman to submit day books does not arise since they are in the custody of the Management only. He further admitted that in 1991 no notice was issued asking the workman to submit day books. It shows that only for the purpose of the case they prepared annexures A to C and taken the said plea. Further in the cross examination he himself admitted that they have not issued any notice to the workman and not conducted domestic enquiry against the workman. According to Sec.25F if any worker worked 240 days in a year, the Management should issue one month notice to him and also conduct domestic enquiry if they want to terminate his service. The enquiry should have been conducted because he worked continuously for 8 years. As per our own Judgement that is A.P. High Court Judgement reported in 2001 (3) ALT page 459, it was held that, "Retrenchment - Termination of service of workman who worked for more than 240 days amounts to retrenchment—Retrenchment without following the mandatory requirements provided under Sec.25F—not legal - Petitioner Management not justified in terminating the service of Respondent—Workman by an oral order without following the mandatory requirement under the Act. Reinstatement ordered by Labour Court in such circumstance is sustainable". Plea of appeal not taken in the Labour Court. Hence, the said plea cannot be taken in writ. Therefore from the above Judgement it is clear that the workman is not only entitled for reinstatement but back wages also. The contention of the Management that he worked up to 16-2-98 and not 28-2-98 is not correct. They should have filed MRs. To prove their contention. WW2 is also working in telecom Department and he accompanied the workman to submit sick and fitness certificate, the production of sickness certificate of the workman he produced evidence by the Doctor by name Sri V.D. Naidu as WW3 and he deposed that he was under his treatment upto 31-12-98. Hence, he is entitled for reinstatement with back wages and continuity of service.

12. It is argued by the Learned Counsel for the Respondent that it is the Petitioner who has absconded from duty from 16-2-98 and the Petitioner's name could not be included for benefits of 5th Pay Commission as he absconded from duty. That what Ex. W3 says is that he was suffering with discolpapse with sciatica and no person will not be able to come upto 1-3-98 to 31-12-98 i.e., 10

months for Sciatica. He did not inform at all and approached the Tribunal after a gap of three years. He was a casual mazdoor hence, no notice was issued to him as it was taken for granted that he absconded from service. It is very clear that these certificates Ex. W3, W4 and W5 do not to have any dates, which means that they have been created for the purpose of this case.

13. It may be seen that it is an admitted fact by the MW1 that the Petitioner worked from 1991 to February, 1998. So it may be seen that no enquiry has been conducted, no show cause notice has been issued and the Petitioner has examined the Doctor also as WW3. In this case the plea of delay is taken in the counter, that there is three years delay. In view of that Judgement cited either Sec.25F should have been followed. Here, no notice has been given, no charge sheet was issued nor Sec.25F is followed and here there is some fault of the Petitioner also. That he did not inform about his sickness although according to him—He suffered for 10 months if not immediately after one year one month to two months or even two months, he did not inform the Respondents. Hence, the question of back wages does not arise. Now, the Telecom has gone under several changes and they are not appointing any casual labourers. Hence, I am of the opinion that paying some consolidated amount would serve as he was drawing Rs.1800/- and he has worked from 1-7-91 till February, 1998 that is for 7 years. Hence, I am of the opinion, that the ends of justice would be met if he is paid 7 months pay last drawn. According to the Petitioner he was drawing Rs.1800/- per month. Hence, 7 months pay i.e., Rs.12,600/- is paid lumpsum along with Rs.2,000/- as costs towards the litigation, total Rs.14,600/-, it can be rounded up to Rs.15,000/-. Hence an award is passed directing the Respondents to pay Rs.15,000/- to the Petitioner within 30 days from the publication of the award failing which the Petitioner will be entitled to 12% interest on Rs.15,000/- after 30 days of publication of this award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Sri N. Ravi Kumar MW1: Sri U. Ramakrishna

WW2: Sri Rama Raju

WW3: Dr. D.B. Naidu

Documents marked for the Petitioner

Ex. W1: Original identity card of the Petitioner

- Ex W2: Service certificate of WW 1 dt. Nil
 Ex W3: Sick certificate by Dr. B.D. Naidu dt. Nil
 Ex W4: Fit certificate by Dr. B.D. Naidu dt. Nil.
 Ex W5: Copy of WW1's representation dt. Nil.
 Ex W6: Copy of muster roll certificate
 Ex W7: Copy of muster rolls from Aug '92 to Feb '93
 Ex W8: Copy of certificate showing his working days from 1-6-91 to 24-6-91
 Ex W9: Supplement of Eenadu Visakhapatnam edition dt. 2-7-2002

Documents marked for the Respondent

NIL

नई दिल्ली, 12 फरवरी, 2004

का.आ. 430.—केन्द्रीय सरकार एतद्वारा, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 की उप-धारा (1) एवं (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दूसरी अनुसूची में उल्लिखित औद्योगिक विवाद के किसी भी मामले के न्याय-निर्णयन तथा उक्त अधिनियम के अधीन निर्धारित किए गए ऐसे अन्य कार्यों के लिए एक श्रम न्यायालय की स्थापना करती है, जिसका मुख्यालय एर्नाकुलम में होगा और श्री एन. राजेन्द्रन को दिनांक 23 जनवरी, 2004 (पूर्वाह्न) से न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[फा. संख्या ए-11016/03/2003-सीएलएस-II]

वाई. पी. सहगल, अवर सचिव

New Delhi, the 12th February, 2004

S. O. 430.—In exercise of the powers conferred by Sub-sections (1) and (2) of Section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with headquarters at Ernakulam for the adjudication of Industrial Disputes relating to any matter specified in the Second Schedule to the said Act and for performing such other functions as may be assigned to it under the said Act, and appoints Shri N. Rajendran as Presiding Officer of that Court with effect from 23rd January, 2004 (FN).

[F. No. A-11016/3/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 12 फरवरी, 2004

का.आ. 431.—राष्ट्रपति, श्री एन. राजेन्द्रन को दिनांक 23 जनवरी, 2004 (पूर्वाह्न) से केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, एर्नाकुलम के पीठासीन अधिकारी के रूप में नियुक्त करते हैं। श्री एन. राजेन्द्रन, केन्द्रीय सरकार औद्योगिक

न्यायाधिकरण-सह-श्रम न्यायालय, एर्नाकुलम के पीठासीन अधिकारी के पद पर तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक बने रहेंगे।

[संख्या ए-11016/3/2003-सीएलएस-II]

वाई. पी. सहगल, अवर सचिव

New Delhi, the 12th February, 2004

S.O. 431.—The President is pleased to appoint Shri N. Rajendran as Presiding Officer Central Govt. Industrial Tribunal-Cum-Labour Court, Ernakulam w.e.f. 23-01-2004 (FN). Shri N. Rajendran will continue to hold the post of Presiding Officer of the CGIT-cum-Labour Court, Ernakulam for a period of three years or until further orders.

[No. A-11016/3/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 12 फरवरी, 2004

का.आ. 432.—केन्द्रीय सरकार एतद्वारा, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7(क) की उप-धाराएं (1) एवं (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तीसरी अनुसूची में उल्लिखित किसी भी मामले से सम्बन्धित औद्योगिक विवाद के न्याय-निर्णयन और उक्त अधिनियम के अन्तर्गत ऐसे सौंपे जाने वाले अन्य कार्यों को करने के लिए एक औद्योगिक न्यायाधिकरण, जिसका मुख्यालय एर्नाकुलम में होगा, की स्थापना करती है और श्री एन. राजेन्द्रन को दिनांक 23 जनवरी, 2004 (पूर्वाह्न) से न्यायाधिकरण के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[फा. संख्या ए-11016/03/2003-सीएलएस-II]

वाई. पी. सहगल, अवर सचिव

New Delhi, the 12th February, 2004

S. O. 432.—In exercise of the powers conferred by Sub-sections (1) and (2) of Section 7(A) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Headquarters at Ernakulam for the adjudication of Industrial Disputes relating to any matter specified in the Third Schedule and for performing such other functions as may be assigned to it under the said act, and appoints Shri N. Rajendran as Presiding Officer of the Tribunal with effect from 23rd January, 2004 (FN).

[F. No. A-11016/3/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 6 फरवरी, 2004

का.आ. 433.—जबकि, पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड (इसके पश्चात् उक्त प्रतिष्ठान के रूप में उल्लिखित) ने

कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (इसके पश्चात् उक्त अधिनियम के रूप में उल्लिखित) की धारा 17 की उप-धारा (3) के अंतर्गत अपने उन 8 कर्मचारियों के संबंध में छूट के लिए आवेदन किया है जिन्होंने केन्द्र सरकार के कर्मचारियों के लिए लागू सी सी एस (पेंशन) नियमों के अंतर्गत पेंशन लाभों के लिए विकल्प दिया है।

और, जबकि केन्द्र सरकार के विचार में उक्त प्रतिष्ठान में नियोजित ये कर्मचारी जिन पर स्कीम लागू होती है, इसी प्रकार तैनात होने के वजह से कर्मचारियों की एक श्रेणी में आते हैं और भविष्य निधि, ग्रेजुटी व वृद्धावस्था पेंशन स्वरूप के लाभों एवं ऐसे अन्य लाभों के हकदार हैं जो कुल मिलाकर, इस अधिनियम या स्कीम के अंतर्गत प्रदान किए जा रहे लाभों की तुलना में किसी तरह कम नहीं हैं।

अतः, अब, उक्त अधिनियम की धारा 17 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में समय-समय पर उल्लिखित शर्तों के अधधीन, केन्द्र सरकार तत्काल प्रभाव से अथवा अगली अधिसूचना जारी होने तक इन व्यक्तियों पर उक्त अधिनियम के सभी उपबंधों को लागू होने से छूट प्रदान करती है।

[सं. आर-15025/4/03-एस.एस.-II]

संयुक्ता राय, अवर सचिव

New Delhi, the 6th February, 2004

S.O. 433.—Whereas the Power Grid Corporation of India Limited (hereinafter referred to as the said establishment) has applied for exemption under Sub-section (3) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act), in respect of 8 of its employees who have opted for the pensionary benefits under CCS (Pension) Rules applicable to employees of the Central Govt.

And whereas, in the opinion of the Central Government these 8 employees employed in the said establishment to which the Scheme applies constitute a "class of employees" by virtue of being placed similarly and are entitled to benefits in the nature of provident fund, gratuity and old age pension and such benefits, which are on the whole not less favourable than the benefits provided under this act or the Scheme.

Now, therefore, in exercise of the powers conferred by Sub section (3) of Section 17 of the said act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts these persons from the operation of all the provisions of the said Act with immediate effect or until further notification.

[No. R-15025/4/03-SS-II]

SANJUKTA RAY, Under Secy.

नई दिल्ली, 9 फरवरी, 2004

का.आ. 434.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2784 दिनांक 15-9-2003 द्वारा यूरेनियम उद्योग जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 19 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-9-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-3-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/9/97-आई.आर. (पी.एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 9th February, 2004

S. O. 434.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2784 dated 15-9-2003 the services in the Uranium Industry which is covered by item 19 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said act, for a period of six months from the 15th September, 2003.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said act for a period of six months from the 15th March, 2004.

[F. No. S-11017/9/97-IR(PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 12 फरवरी, 2004

का.आ. 435.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 मार्च, 2004 को उस तारीख के

रूप में निष्पाद करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रचुर हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रचुर की जा चुकी है] के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रचुर होंगे, अर्थात् :-

“सेलम जिला में सेलम तालुक के निलवरपट्टी, गज्जलानाकनपट्टी और उसके छोटा गांव वीरसामी पुदुर, पारनाटमंगलम, तम्मानायकनपट्टी, जारि कोण्डलमपट्टी, अमणि कोण्डलमपट्टी, और उसके छोटा गांव-कोण्डलमपट्टी, दासनायकम्पट्टी, संथियूर, संथियूर अत्तयम्पट्टी के राजस्व ग्राम।”

[संख्या एस-38013/06/04-एस. एस.-I]

के० सी० जैन, निदेशक

New Delhi, the 12th February, 2004

S.O. 435.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue villages of Nilavarapatti, Gajjalanaickenpatti and its Hamlet veerasamy pudur, Parnattamanglam, Thamma-naickenpatti, Jarikondalampatti, Amani Kondalampatti & its Hamlet Kondalampatti, Dasanaickenpatti, Santhiyur, Santhiyur Attayampatti of Salem Taluk in Salem District.”

[No. S-38013/06/2004-SS-I]

K. C. JAIN, Director

नई दिल्ली, 12 फरवरी, 2004

क्रा० अ० 435.—केन्द्रीय सरकार, अभ्रक खान ग्रम कल्याण निधि अधिनियम, 1946 (1946 का 22) की धारा 3 की उपधारा (4) के अनुसार नें उपबन्ध अनुसूची I और अनुसूची II के अनुसार 2002-2003 वर्ष के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त क्रियाकलापों की रिपोर्ट को प्रकाशित करती है।

अनुसूची-I

वर्ष 2002-2003 के लिए

अभ्रक खान ग्रम कल्याण निधि के लेखाओं का विवरण

अंश

01-4-2002 को आरंभिक अतिशेष	1.16 करोड़
वर्ष 2002-2003 के दौरान स्थापान्तरित उपस्कर	1.17 करोड़
कुल आय	2.91 करोड़

व्यय

मुख्य शीर्ष—2230

01.105 अभ्रक खान ग्रम कल्याण निधि

01.105.01—प्रशासन

लेखा का शीर्ष	इकाई	रकम (हजार रुपयों में)
01.00.01	वेतन	1722
01.00.02	मजदूरी	46
01.00.11	घरेलू यात्रा व्यय	38
01.00.13	कार्यालय व्यय	93
01.00.27	गौण कार्य	0
01.00.50	अन्य भार	1
	कुल	1900

01.105 अभ्रक खान ग्रम कल्याण निधि

01.105.02—स्वास्थ्य

लेखा का शीर्ष	इकाई	रकम (हजार रुपयों में)
02.00.01	वेतन	4430
02.00.02	मजदूरी	11
02.00.11	घरेलू यात्रा व्यय	92
02.00.13	कार्यालय व्यय	149
02.00.14	किराया, दर और कर	0
02.00.21	सामग्री और पूर्ति	301
02.00.27	गौण कार्य	9
02.00.31	सहायता अनुदान	1
02.00.50	अन्य भार	1
02.00.52	मशीनरी और उपस्कर	0
	कुल	4994

01.105 अभ्रक खान ग्रम कल्याण निधि

01.105.03—शिक्षा

लेखा का शीर्ष	इकाई	रकम (हजार रुपयों में)
1	2	3
03.00.01	वेतन	5012
03.00.02	मजदूरी	48
03.00.11	घरेलू यात्रा व्यय	15
03.00.13	कार्यालय व्यय	19
03.00.21	सामग्री और पूर्ति	0
03.00.27	गौण कार्य	1
03.00.31	सहायता अनुदान	0

(1)	(2)	(3)
03.00.34	छात्रवृत्ति और वृत्तिका	59
03.00.50	अन्य भार	2
	कुल	5157
	01.105 अभ्रक खान श्रम कल्याण निधि	
	01.105.04—मनोरंजन	
लेखा का शीर्ष	इकाई	रकम (हजार रुपयों में)
04.00.01	वेतन	383
04.00.11	घरेलू यात्रा व्यय	6
04.00.21	सामग्री और पूर्ति	0
04.00.50	अन्य भार	4
	कुल	393

01.105 अभ्रक खान श्रम कल्याण निधि

01.105.05—जलापूर्ति

लेखा का शीर्ष	इकाई	रकम (हजार रुपयों में)
05.00.31	सहायता अनुदान	51
05.00.50	अन्य भार	14
	कुल	65
	कुल योग (अभ्रक)	12509

01-4-2003 को

कुल आय 2.91 करोड़

कुल व्यय 1.25 करोड़

अभ्रक निधि के 1.66 करोड़

अधीन आरक्षित

निधि

अनुसूची 2

वर्ष 2002-2003 के दौरान

अभ्रक खनिज श्रम कल्याण निधि के अधीन वित्त कार्यकलाप

क्रम सं.	कार्यकलाप का नाम	इकाई
(1)	(2)	(3)
1.	स्थिर सह-चालित/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय	11
2.	अभ्रक खान कर्मचारियों के लिए अस्पताल निपटाए दुर्घटना के मामले	2

(1)	(2)	(3)
3.	निपटाए दुर्घटना के मामले	2
4.	अस्पताल/औषधालय में उपचार किए गए रोगी	116879
	ख. शिक्षा	
5.	अभ्रक खान कर्मचारियों के विद्यालय जाने वाले बच्चों को छात्रवृत्ति प्रदान करना और अन्य वित्तीय सहायता	60
	ग. मनोरंजन	
6.	अभ्रक खान कर्मचारियों के लिए फिल्मों का दृश्य श्रव्य, सेटों/सिनेमा चैनलों के माध्यम से प्रदर्शन	7

[फ. सं. एस-50025/2/2003-डब्ल्यू- II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 12th February, 2004

S.O. 436.—In pursuance of Sub-section (4) of Section 3 of the Mica Mines Labour Welfare Fund Act 1946 (22 of 1946), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2002-2003 as per schedule-I and Schedule-II, respectively, annexed hereto :—

SCHEDULE-I**STATEMENT OF ACCOUNTS OF MICA MINES
LABOUR WELFARE FUND FOR THE YEAR 2002-2003****Income :**

Opening Balance as on 01-4-2002 1.16 Crores

Cess Transferred during the year 1.75 Crores
2002-2003

Total Income 2.91 Crores

Expenditure :**Major Head-2230****01.105. Mica Mines Labour Welfare Fund****01.105.01—Administration**

Head of Account	Units	Amount (Rs. in thousand)
01.00.01	Salaries	1722
01.00.02	Wages	46
01.00.11	Domestic Travelling Expenses	38

Head of Account	Units	Amount (Rs. in thousand)
01.00.13	Office Expenses	93
01.00.27	Minor Work	0
01.00.50	Other Charges	1
	Total	1900

01.105 Mica Mines Labour Welfare Fund

01.105.02—Health

Head of Account	Units	Amount (Rs. in thousand)
02.00.01	Salaries	4430
02.00.02	Wages	11
02.00.11	Domestic Travelling Allowances	92
02.00.13	Office Expenses	149
02.00.14	Rents, Rates & Taxes	0
02.00.21	Material & Supply	301
02.00.27	Minor Work	9
02.00.31	Grants-in-aid	1
02.00.50	Other Charges	1
02.00.52	Machinery & Equipment	0
	Total	4994

01.105 Mica Mines Labour Welfare Fund

01.105.03—Education

Head of Account	Units	Amount (Rs. in thousand)
03.00.01	Salaries	5012
03.00.02	Wages	48
03.00.11	Domestic Travelling Expenses	16
03.00.13	Office Expenses	19
03.00.21	Material & Supply	0
03.00.27	Minor Work	1
03.00.31	Grants-in-aid	0
03.00.34	Scholarship & Stipend	59
03.00.50	Other Charges	2
	Total	5157

01.105 Mica Mines Labour Welfare Fund

01.105.04—Recreation

Head of Account	Units	Amount (Rs. in thousand)
04.00.01	Salaries	383
04.00.11	Domestic Travelling Expenses	6
04.00.21	Material & Supply	0
04.00.50	Other Charges	4
	Total	393

01.105 Mica Mines Labour Welfare Fund

01.105.05—Water Supply

Head of Account	Units	Amount (Rs. in thousand)
05.00.31	Grants-in-aid	51
05.00.50	Other Charges	14
	Total	65

Grand Total (Mica) 12509

Total Income 2.91 Crores

Total Expenditure 1.25 Crores

Reserve Fund Under Mica Fund 1.66 Crores

As on 01-4-2003

SCHEDULE-II

ACTIVITIES FINANCED UNDER THE MICA MINES LABOUR WELFARE FUND DURING THE YEAR 2002-2003

S. No.	NAME OF THE ACTIVITY	UNITS
A. HEALTH:		
1.	Static-cum-Mobile/Static Allopathic and Static Ayurvedic Dispensaries.	11
2.	Hospitals for the Mica Mines workers.	2
3.	Accident cases settled	2
4.	Patients treated in Hospitals/ dispensaries	116879
B. EDUCATION:		
5.	Award of Scholarship and other financial assistance to the school going children of Mica Mines workers	60
C. RECREATION:		
6.	Exhibition of films for Mica Mines workers through Audio-visual Sets/ Cinema Vans.	7

[F. No. S-50025/2/2003-W. II]

MANOHAR LAL, Director General
(Labour Welfare)/Jt. Secy.